

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38698 of 2020

Arising Out of PS. Case No.-178 Year-2020 Thana- PARBATTa District- Khagaria

1. SANTOSH KUMAR @ SANTOSH KUMAR SAH, Son of Mohan Sah, Resident of Village - Khanuwa Raka, Police Station - Parbatta, District - Khagaria.
2. MOHAN SAH @ MOHAN PRASAD SAH, Son of Late Rameshwar Sah, Resident of Village - Khanuwa Raka, Police Station - Parbatta, District - Khagaria.
3. BALMIKI SAH, Son of Late Rameshwar Sah, Resident of Village - Khanuwa Raka, Police Station - Parbatta, District - Khagaria.
4. Vicky Sah @ Vikash Kumar, Son of Narayan Sah, Resident of Village - Khanuwa Raka, Police Station - Parbatta, District - Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Prem Kumar Jha, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Parbatta P.S. Case No. 178 of 2020 registered for the offence punishable under Sections 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code. The petitioners have got one antecedent on their head.



Learned counsel for the petitioners submits that the informant in his written report alleged that the accused persons named in the F.I.R. were indulged in fixing pipe of Nal Jal Hariyali scheme on his private land which was opposed by the informant resulting he was abused and assaulted by the accused persons.

Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation of assault against any of the petitioners. There is counter version of the alleged occurrence also in which the informant of this case and others have been made accused.

Mr. Prem Kumar Jha, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the materials placed before this Court showing the injury report (Annexure '2') which contains only one injury though the allegation of causing of injury has been made against four accused persons and the submission on behalf of the petitioner that there is a case and counter case between the parties, the dispute arose on putting the pipes of Nal Jal Hariyali scheme of the government on the land of the informant, in the nature of the accusation and that the only



injury upon the informant is shown to be simple in nature, this Court directs the petitioners above-named in the event of their arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Class, Khagaria in connection with Parbatta P.S. Case No. 178 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

