

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39313 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- LAURIA District- West Champaran

1. Jay Lal Sah Son of Ramnarayan Sah Resident of Gobarura Ward No.11,
P.S.- Lauriya, West Champaran, Bihar
2. Dhanilal Sah Son of Ramnarayan Sah Resident of Gobarura Ward No.11,
P.S.- Lauriya, West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Shekhar, Advocate
For the State	:	Mr. Sachida Nand Rai, APP
For the Informant	:	Mr. Rajendra Nath Jha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

- 3 19-02-2021 Heard learned counsel for the petitioners, informant and learned APP for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioners seek bail in Lauriya P. S. Case No 95 of 2020 instituted for the offence under Section 147,148,149,341, 323,324,307, 379, 504 and 506 of the Indian Penal Code.

The petitioners are in custody since 27.08.2020 and it is stated in the petition that they bear no criminal antecedents since they have been acquitted in Lauriya PS Case No 48 of 2015.

The prosecution case alleges assault by the petitioners along with others based on a dispute regarding staking of bricks in front of his private land. Against the petitioner No.1, there is allegation of assault by '*Farsa*' and petitioner No.2 by '*Lathi*' on the head of the informant.



The learned counsel for the petitioners submits that on 19.07.2020 the accused side had got a statement recorded before the police, however, the same has been registered with delay on 23.08.2020 in respect of the some occurrence in-question where the prosecution side was actually the aggressors. The family members of the petitioners have also sustained injuries and undergone treatment. The victim's injury report opines the same to be simple in nature and from the prosecution case, it is apparent that the scuffle has taken place between the parties at the spur of the moment.

Learned counsel for the informant and APP have opposed the prayer for bail.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge- 1st-cum-Additional Chief Judicial Magistrate-1st, West Champaran, Bettiah, in connection with Lauriya P. S. Case No 95 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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