

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11267 of 2021

Arising Out of PS. Case No.-84 Year-2020 Thana- KUNALI District- Supaul

1. Lalit Jha , Male, aged about 52 years, Son of Tiro Jha Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.
2. Ranjit Jha, Male, aged about 24 years, Son of Lalit Jha Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.
3. Santosh Jha ,Male, aged about 20 years, Son of Lalit Jha Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.
4. Pawan Jha, Male aged about 19 years, Son of Subhash Jha Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.
5. Navin Jha, Male, aged about 19 years, Son of Subhash Jha Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.
6. Sahdeo Mehta, Male, aged about 35 years, Son of Jhulo Mehta @ Jhatan Mehta @ Jhotan Mehta Resident of Village - Rupauli, P.S. - Kunauli, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the Informant	:	Mr. Parmeshwar Mehta Advocate
For the State	:	Mr. Pranav Kumar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioners is expected to honour 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 to do so by the office.

3. Heard learned counsel for the petitioners, informant and learned counsel for the State.



4. The petitioners seek bail in Kunauli PS Case No. 84 of 2020, instituted for the offence under Sections 147,148,149,341,323,324,325,307,379,504 and 506 of the Indian Penal Code.

5. On 16.08.2020 in the course of '*panchayati*' regarding some land dispute and *sisam* tree the dispute has occurred. The petitioners/accused persons along with others have allegedly assaulted the prosecution party.

6. The learned counsel for the petitioners submits that as per prosecution case it is obvious that there was a subsisting dispute, for which, '*Panchayati*' was conducted just before the occurrence. In fact, both parties were agnates and a free fight has ensued between the parties, wherein, the petitioners and others from accused sides have also sustained injuries. He further submits that against the petitioners there is no specific assault attributed and they are in custody since 17.08.2020, having no criminal antecedents. The prosecution party are, in fact, the aggressor and Kanauli P.S. Case no. 85 of 2020 has been lodged by the petitioners side in respect of the same occurrence.

7. The learned counsel for the informant and learned APP representing the State have opposed the prayer for bail.

8. Considering the rival submissions, 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 **ACJM, Birpur**, in connection with **Kunauli PS Case No. 84 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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