

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13399 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- SAHPUR District- Patna

1. Prabhu Saw @ Prabhu Sah, Son of Luruk Saw, Resident of Village- Daudpur, P.S.- Shahpur in the district of Patna.
2. Sanjay Saw @ Sanjay Sah, Son of Prabhu Saw @ Prabhu Sah, Resident of Village- Daudpur, P.S.- Shahpur in the district of Patna.
3. Munna Saw @ Munna Kumar, Son of Prabhu Saw @ Prabhu Sah, Resident of Village - Daudpur, P.S.- Shahpur in the district of Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Navin Sharma, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-07-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Navin Sharma, learned counsel appearing on behalf of the petitioners, Mr. Ashok Kumar Sinha, learned counsel for the informant as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The petitioners seek regular bail, who are in custody in connection with Shahpur P.S. Case No. 120 of 2021 for the offences punishable under Sections 341, 323, 324, 307, 452, 427, 380, 354, 504, 506/34 of the India Penal Code.

As per the prosecution case, it is alleged that the



petitioners and their family members had earlier stolen the potato crops and when the informant demanded the same then on 07.03.2021 all the accused persons including these petitioners came at the house of the informant and ransacked the house. It is further alleged that all the petitioners assaulted the informant and her husband by sharp cutting weapons and iron rods causing serious injury.

It is submitted by the learned counsel appearing on behalf of the petitioners that the husband of the informant is the full brother of petitioner no. 1 and petitioner no. 2 and 3 are own nephew. It is further submitted that from the FIR it is evident that the occurrence is said to have taken place on 07.03.2021, but the fardbeyan has been recorded on 10.03.2021 and the substantive FIR has been instituted on 26.03.2021. It is next submitted that from bare perusal of the FIR it is also alleged that the informant has received information that their potato crops were stolen, but it has not been disclosed that from whom the informant came to know that the petitioners uprooted the potato crops. It is also submitted that all these petitioners are having clean antecedent and they are in custody since August 2021.

On the other hand, learned counsel for the informant opposes the bail application and submits that the informant and



her husband have been brutally assaulted by the petitioners by means of sharp cutting weapons, and moreover, the injury report corroborated the allegation of assault. It is also submitted that that the police after having found the case true has also submitted charge sheet.

However, learned counsel for the State also apposes the bail application and submits that there is specific allegation against all the three petitioners, who have assaulted the informant and her husband.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, as also the antecedent of the petitioners, apart from the fact that the investigation of the crime is already concluded and the charge sheet has been submitted and further all the injuries, except one inflicted to the informant, have been found to be simple in nature, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Shahpur P.S. Case No. 120 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions



which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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