

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21077 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- BEN P.S. District- Nalanda

1. Ramchandra Jamadar, S/o Late Saryug Jamadar, R/o village- Beldariya, P.S.- Ben, District- Nalanda
2. Ram Narayan Jamadar @ Ramnarayan Chauhan, S/o Ramchandra Jamadar R/o village- Beldariya, P.S.- Ben, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Sah, Advocate
		Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 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. Gautam Sah, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Wen P.S. Case No. 175 of 2020 registered for the offences punishable under Sections 307, 323, 341, 504/34 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant was sitting in his house, the petitioners along with other co-accused persons entered into the house and started



abusing. On protest being made, petitioner no.2 gave Iron rod blow over his head.

Learned counsel for the petitioners submits that though there is specific allegation against petitioner no.2 that he assaulted the informant by Iron rod blow causing injury over his head, but from the injury report it appears that all the injuries inflicted over the head of the informant have been found to be simple in nature. It is next submitted that no allegation of any overt act against petitioner no.1 and admittedly there is land dispute between the parties and a proceeding under Section 107 of the Cr.P.C. has been initiated vide Case No. 192 of 2021. It is further submitted that there is a counter version of the present case, being Complaint Case No. 649 C of 2020 filed by the person of the accused side. It is next submitted that there was a free fight between the parties, due to which persons of both sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained on the petitioners' side. It is lastly submitted that both the petitioners themselves surrendered on 24.02.2022 and since then they are in custody, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes



the bail application and submits that there is specific allegation against both the petitioners, who actively participated and assaulted the informant.

Having considered the submissions made on behalf of the parties and considering the nature of injuries, which have been found to be simple in nature and, moreover, the petitioners are in custody since 24.02.2022, though the investigation of the crime is already completed and charge-sheet has been submitted, apart from the fact the land dispute is going on between the parties, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 175 of 2020, 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.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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