

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32706 of 2021**

Arising Out of PS. Case No.-142 Year-2021 Thana- BRAHMPUR District- Buxar

1. HEERA LAL KUMHAR
2. ASHOK KUMHAR
Both S/O LATE RAM NARAYAN KUMHAR R/O VILLAGE - GAIGHAT,
P.S. - BRAHAMPUR AND DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioners, Shri Nil
Kamal, learned counsel for the informant and learned A.P.P. for
the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with
Brahampur P.S. Case No. 142 of 2021 instituted for the offences
under Sections 323, 341 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 12.03.2021, are persons with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation is of assault to the husband of the



informant by petitioner no. 1 with spade causing head injury and petitioner no. 2 assaulted Kashi Kumhar with Gandasa causing injury on his leg. Injuries are opined to be grievous.

Learned counsel for the petitioners submits that from perusal of the allegation in the FIR, it would manifest that the husband of the informant had gone to work in the field when nine accused persons including the petitioners came and started abusing her husband on account of which the present occurrence took place.

Learned counsel for the petitioners submits that since the dispute was pertaining to land and, on account of hot argument from both sides, on the spur of the moment, the petitioners assaulted causing injury to the husband of the informant and Kashi Kumhar, as such, there was no intention on part of the petitioners to commit the occurrence but in the hit of the moment the occurrence took place and the blow was not repeated.

Learned counsel for the informant opposes the bail application and submits that no doubt the occurrence took place on account of land dispute but the petitioners were trying to oust the informant's husband from his own land to which the learned counsel for the petitioners submits that no such allegation is



made in the FIR.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody since 12.03.2021, charge-sheet has been submitted in this case, the petitioners are persons with clean antecedent and the blow was not repeated let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 142 of 2021.

(Satyavrat Verma, J)

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