

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41228 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- SURSAND District- Sitamarhi

1. Bharoshi Sah @ Ram Bharos Sah @ Bharosi Sah, S/O Late Puran Sah, R/o village- Maidan, Ward No.- 17, P.S.- Sursand, Distt.- Sitamarhi
2. Vikash Sah @ Vikash Kumar @ Vikas Sah, S/O Bharosi Sah, R/o Village-Maidan, Ward No.- 17, P.S.- Sursand, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
		Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 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. Santosh Kumar, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Sursand P.S. Case No. 33 of 2021 for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the petitioners, who happen to be the Bhaisur and nephew of the informant, along with F.I.R. named accused persons came to the



house of the informant and started abusing. When the same was protested, the petitioner no.1 assaulted the informant over her head by means of Lathi, due to which she sustained head injury. Thereafter petitioner no.2 also assaulted the wife of her son, due to which she also sustained injuries.

At the outset, learned counsel for the petitioners submits at the bar, on the instruction of his clients, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioners that both the parties are family members and the occurrence is alleged to have taken place due to family dispute and no criminal intention was found there. It is further submitted that the injuries received by the informant as well as injured Rina Devi are found to be simple in nature, caused by hard and blunt substance, and in support of his submission injury reports have been brought on record by way of Annexure-2 to this application. It is lastly submitted that the petitioners have no criminal antecedent and are ready to undertake that they will not indulge in such type of occurrence in future and will fully co-operate in the investigation.

On the other hand, learned APP for the State opposes



the bail application and submits that there is specific allegation against these two petitioners, who assaulted the informant and injured Rina Devi.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the occurrence is said to have arisen on account of family dispute and moreover the injuries, which are said to have been received, have been found to be simple in nature and the petitioners having no criminal antecedents, let the petitioners named above, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of I/C Judicial Magistrate, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 33 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J)

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