

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43276 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- PARSA District- Saran

1. Purnauti Devi, W/o Janardhan Sah, Resident of Village- Bhagwanpur, P.S.- Parsa, Distt. - Saran at Chapra.
2. Jitendra Kumar @ Jitendra Sah, S/O Janardhan Sah, Resident of Village- Bhagwanpur, P.S.- Parsa, Distt. - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rajani Kumari, Advocate Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Narendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 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. Vijay 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 Parsa P.S. Case No. 54 of 2021 for the offences punishable under Sections 341, 323, 504, 307/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 18.02.2021 when the informant went to his field, he saw the petitioner Jitendra Sah uprooting the mustard crop and when he



protested, the petitioner Jitendra Sah started abusing to him. In the meantime, all the F.I.R. named accused persons came there with Lathi, Danda, Rod and Farsa in their hands and assaulted the informant. It is further alleged that on hulla, when his sons Arun Kumar Sah and Viran Sah and nephew Pramod Kumar Sah came for rescue, all the accused persons assaulted them also.

At the outset, learned counsel for the petitioners submits at the bar, on instruction of his client, 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 there is general and omnibus allegation against all the accused persons including the petitioners and so far alleged assault is concerned, the same has been attributed to other co-accused persons. It is further submitted that there is a counter version to the present case, being Parsa P.S. Case No. 77 of 2021, instituted by one Janardan Sah. It is also submitted that both the parties are Pattidars and there is land dispute pending between them. It is next submitted that the petitioner no.1 is a lady and petitioner no.2 is her son and there is no specific allegation of any overt act against them



and they have fair antecedents.

On the other hand, Mr. Narendra Kumar, learned counsel appearing on behalf of the informant vehemently opposes the bail application and submits that both the petitioners have actively participated in the said crime and there is specific allegation against them that they have assaulted the injured persons by means of Lathi and Danda.

Learned APP for the State opposes the bail application of the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation levelled against the petitioners, apart from the fact that petitioner no.1 is lady and petitioner no.2 is her son and there is counter version of the present case and the petitioners have clean 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 Additional Chief Judicial Magistrate-IX, Saran at Chapra in connection with Parsa P.S. Case No. 54 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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