

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44645 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- NAVINAGAR District- Aurangabad

1. Jitendra Ram Son of Devnarayan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
2. Kalendra Ram Son of Jokhan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
3. Devnarayan Ram Son of Late Ram Jiwan Ram Resident of village - Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
4. Amrendra Ram Son of Jokhan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
5. Jokhan Ram Son of Late Ramjiwan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
6. Munna Ram Son of Late Ramjiwan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
7. Krishna Ram Son of Late Ramjiwan Ram Resident of village- Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.
8. Sikandra Ram Son of Krishna Ram Resident of village - Khapiya, P.S. - NTPC (Badem O.P.) (and in order sheet P.S. has Mentioned as Badem O.P. Navinagar), District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jugal Kishore, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh Shasti, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 09-06-2022

Heard Mr. Rupa Kumari, learned counsel for the
petitioners and Mr. Rajendra Singh, learned Additional Public



Prosecutor for the State.

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

The petitioners apprehend their arrest in connection with Nabinagar P. S. Case No. 202 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323 and 308 of the Indian Penal Code.

As per the prosecution case, it is alleged that by making conspiracy to each other all the accused persons started construction of house over the land of the informant and when the informant protested the same all the accused persons assaulted the informant due to which the informant and other family members received serious injuries.

At the outset, learned counsel for the petitioners submits at the bar, on the 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.

Learned counsel appearing on behalf of the petitioners submits that there are general and omnibus allegation against all the petitioners and no specific allegation of any overt act has been alleged against anyone. It is further submitted that though



on account of land dispute, free fight has taken place between both the sides and due to which the informant and some of the persons of the informant side have received injuries, however, all the injuries sustained on the informant and his persons found to be simple in nature. In support of the aforesaid submissions a copy of the injury report has been brought on record by way of annexure 2 to the present application. It is next submitted that the petitioners are agnates and having clean antecedent and they are ready to give undertaking that they will not indulge in such offence in future.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that the petitioners are named in the F.I.R. and they have actively participated in the present crime.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus nature of allegation in as much much the nature of the injuries are found to be simple in nature, apart from the fair antecedent of the petitioners, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Aurangabad in connection with Nabinagar P. S. Case No. 202 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate 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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