

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48145 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Sugandhi Devi W/O Sri Vijay Singh R/O Village-Madhopur, Tola-Rampurwa, P.S-Majhauria, District-West Champaran.
2. Vikash Kumar Singh S/O Sri Vijay Singh R/O Village-Madhopur, Tola-Rampurwa, P.S-Majhauria, District-West Champaran.
3. Mani Kumar Singh S/O Sri Vijay Singh R/O Village-Madhopur, Tola-Rampurwa, P.S-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Heard Ms. Rashmi Jha, learned counsel for the petitioners and 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 Majhauria P. S. Case No. 70 of 2021 registered for the offences punishable under Sections 341, 323, 447, 307, 379, 504 read with Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that



06.02.2021 at about 11:30 A.M. when the informant came to his door, he found Vijay Singh and his wife (petitioner no. 1) had tossed his bhabhi down on the ground and call her *Dayeen*. On protest being made, petitioner nos. 2 & 3 started abusing him. It is further alleged that co-accused Vijay Singh inflicted *Kharasi* blow in the abdomen of the informant due to which he sustained serious injury. It is also alleged that the co-accused persons snatched his belongings.

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 both the parties are agnates and there is admitted land dispute, which resulted into lodging of the present case. It is further submitted that so far the injury is concerned, the same has been found to be simple in nature and attributed against co-accused Vijay Singh, who is not the petitioner before this Court. It is next submitted that both the parties are agnates and they have settled their disputes and they did not want to proceed any further in this matter and moreover, the petitioners have fair antecedent and they will abide by the terms and conditions as



would be imposed by this Hon'ble Court.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that all the petitioners have actively participated in the said occurrence and they brutally assaulted the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that both the parties are agnates and there is land dispute between them, apart from the fact that there is no specific allegation against all the three petitioners and moreover, the injury which is said to have sustained is simple in nature and attributed against co-accused Vijay Singh, apart from the fact that they have settled their disputes, 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauria P. S. Case No. 70 of 2021, 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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