

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40231 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- ATRI District- Gaya

1. SARWAN SINGH @ SARWAN KUMAR @ SARWAN KUMAR SINGH S/O LATE RAM CHANDRA SINGH Resident of village- Bathu Bigha, P.S.- Atri, District- Gaya.
2. CHANDRA BHUSHAN KUMAR @ RAHUL KUMAR S/O SARWAN SINGH Resident of village- Bathu Bigha, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikramdev Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2022 Heard Mr. Vikramdeo Singh, learned counsel for the petitioners, Mr. Shailesh Kumar, learned counsel for the informant and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Atri P.S. Case No. 350 of 2021 for the offences under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the informant has alleged that due to land dispute, the accused persons including the two petitioners herein assaulted the informant and his family



members inasmuch as the allegation against petitioner no. 1 is having caught hold off the father of the informant and threw him on the ground whereafter he gave a '*iron*' rod blow on the wrist causing fracture. So far as the petitioner no.2 is concerned, he used a spade causing injury on his shoulder and leg. The other accused persons has also been attributed different charges of assault. Accordingly, the aforesaid F.I.R came to be lodged.

Learned counsel for the petitioners submit that it is a matter arising out of the land dispute in which case and counter case were lodged. While the informant's side lodged Atari P. S. Case No. 350 of 2021 and the petitioners' side who were injured also recorded *fardbayan* on 25.10.2021 in Anugrah Narayan Medical College and Hospital, Gaya the same came to be lodged only on 14.12.2021 vide Atari P.S. Case No. 438 of 2021 in which their sides also had injuries. It is his next submission that the petitioners are in custody since 14.03.2022, as incorporated in the order sheet. He, however, acknowledged that they have criminal antecedents.

Per contra, learned counsel for the informant submits that the injuries these petitioners have inflicted on the informant's side clearly show their intention and in the said backdrop, they are not entitled to bail in view of the fact that



both of them have criminal antecedents and further even though they are in jail, they are threatening the informant's side.

As a reply, the learned counsel for the petitioners submit that if granted the privilege of bail, the two petitioners will abide by all the terms and conditions which even may include their leaving the district for some time for the satisfaction of the informant's side.

There is case and counter case due to the land dispute in which both sides have suffered injuries. So far as the informant's side is concerned, they do have suffered injuries due to the assault by these two petitioners, they have remained in jail since 14.03.2022, charge sheet stands submitted and on the basis of the undertaking given by the learned counsel for the petitioner, this Court is inclined to grant them privilege of bail.

If it is found that any of the two petitioners are having criminal antecedent more than what has been incorporated in the paragraph-3 of the bail application, the bail order with regard to the said petitioner shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Learned A.C.J.M. XIII,



Gaya in connection with Atri P.S. Case No. 350 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall leave their district (Gaya) for a period of three month(s) after providing name and address and police station of their place of stay during the said period and he shall be duty bound to visit the police station concerned (where they will stay) every week to mark their attendance;

(iv) upon return to their district, they shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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