

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44758 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- KARJAIN District- Supaul

1. PAWAN THAKUR @PAWAN KUMAR THAKUR Son of Taranand Thakur
Resident of village- Gauspur, Police Station- Karjain, District - Supaul.
2. Hemant Kumar Jha Son of Late Sushil Jha Resident of Village - Hardiya,
Police Station- Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Karjain P.S. Case No. 57 of 2022 registered for the offences
punishable under Sections 341, 323, 324, 308, 504, 506/34 of
the Indian Penal Code.

As per prosecution case, there is allegation against
the petitioners that Petitioner No. 1 assaulted upon the head of
informant by Dabia and Petitioner No. 2 assaulted upon the
head of informant which hit below the right eye of the



informant. It is further alleged that petitioners assaulted informant's son.

Learned counsel for the petitioners submits that petitioners are in custody since 05.05.2022, as per impugned order. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. From the perusal of injury report of informant, it is evident that informant has received hard and blunt substance injury which is completely contradictory to written report. According to written report the informant has received Dabia blow which is sharp cut weapon. He further submits that informant is uncle of the petitioners and there is land dispute between both the parties as the same is evident from the written report of informant. There is only one injury on the head of the informant and there is no repetition of blow on the vital parts of the body of informant by the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there



is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., Birpur in connection with Karjain P.S. Case No. 57 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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