

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54681 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- CHENARI District- Rohtas

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1. Ramraj Kahar S/O Mala Kahar @ Malakar Kahar
 2. Jitendra Kahar S/O Nazir Kahar
- Both R/O Village-Jararhi, P.S-Chenari, District-Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in connection with Chenari P.S.Case No. 65 of 2021 registered for the offence under Sections 147, 149, 323, 307, 341, 504, 506 and 302 of the Indian Penal Code.

On the basis of written application of informant-Chandan Kumar Sah, the prosecution case, in brief, is that on 31.08.2021 in the morning scuffle took place in between the father of informant and one Nanhku Kahar due to up-root of



gram crops, for which at about 5.30 P.M. a Panchayat was held at the door of Nanhaku Kahar. Meanwhile 13 persons were participated in the alleged Panchayati and as the Panchayati was started. Brij Kishore Kahar, Jitendra Kahar causing head injury to the informant and his father Tejpati Shah by means of Lathi and they sustained injuries fell down on earth. When Bihari Shah came in rescue, then Jitendra Kahar, Ramraj Kahar and Sonu Kahar also inflicted blood oozing head injury by means of Lathi to Bihari Sah and accused persons Ramadhin, Brij Kishore, Bittu, Dilip jointly assaulted the informant's grand father Triveni Sah on head and back by means of Lathi, who sustained injury and fell down on earth. Thereafter, all accused persons jointly chased then and also causing injury to Dheeraj Kumar and Ankit Kumar by means of Lathi.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that the present FIR is counter blast of Chenari P.S. Case No. 66 of 2021. Learned counsel for the petitioners submits that it appears from the FIR that the allegation of head injury to the informant's grandfather, namely, Triveni Sah is against co-accused, namely, Ramadhin, Brij



Kishore Kahar, Bittu and Dilip. He further submits that it has come during investigation that other side who also attacked upon the petitioners' side that during the period of Panchayati and started assaulting to the petitioners' side and due to this FIR of Chenari P.S. Case No.66 of 2021 filed by one Parvati Devi. Petitioners are in custody since 01.04.2021.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners are named in the FIR and there is specific allegation against the petitioners.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Chenari P.S. Case No. 65 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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