

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56738 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- JOGAPATTI District- West Champaran

1. Alok Kumar, Son of Bhagwat Sah, Resident of Village- Manopatti, Puraina, P.S.- Jogapatty, District- West Champaran.
2. Ranjan Kumar, Son of Binod Sah @ Bhagwan Sah, Resident of Village- Manopatti, Puraina, P.S.- Jogapatty, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-04-2022 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.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Jogapatty P.S. Case No. 163 of 2021 for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504/34 of the Indian Penal Code.

The prosecution case as alleged in the F.I.R. is that on the alleged date of occurrence on account of some dispute



regarding Chhajja projection all the accused persons including the petitioners Alok Kumar and Ranjan Kumar assaulted her husband by Iron rod due to which her husband sustained injury. It is further alleged that other co-accused also assaulted with fists and slaps. It is further alleged that Alok Kumar (petitioner no.1) also assaulted her son by Iron rod.

It is submitted by learned counsel for the petitioner that both the parties are agnates and because of land dispute, occurrence took place and both the parties filed cases against each other and these petitioners having no criminal antecedents and are in custody since 04.07.2021 and 07.07.2021 respectively.

Learned counsel for the petitioner has drawn the attention of this Court towards the injury report as contained in Annexure-3 to this petition, where from it is evident that the husband of the informant examined by the I/c Medical Officer of C.H.C. Yogapatti and four injuries have been found wherein it has been opined that the injury nos. 1, 2 and 4 caused by hard and blunt substance and are simple in nature. So far as injury no.3 is concerned, the same has been found to be grievous in nature. However, injury no.3 found to be caused over right side of middle chick and not over the head of the husband of the



informant.

On the other hand, learned APP for the State opposes the bail application and submits that husband of the informant sustained grievous injury.

Having taking into consideration the submissions made on behalf of the learned counsel for the petitioners and also the fact that both the parties are agnates and only because of land dispute this occurrence has taken place and these petitioners having no criminal antecedent and are in custody since 04.07.2021 and 07.07.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Jogapatty P.S. Case No. 163 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive



dates without any cogent reason, their bail bonds will liable to
be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

