

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48379 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- DANIYAWAN District- Patna

1. SHARMILA DEVI @ SHARVILA DEVI Wife of Bhola Prasad @ Bhola Yadav
2. Pankaj Kumar Son of Bhola Prasad @ Bhola Yadav
3. Golu Kumar Son of Bhola Prasad @ Bhola Yadav
4. Darogi Singh @ Darogi Yadav Son of Musafir Singh
5. Bhola Prasad @ Bhola Yadav Son of Musafir Singh
6. Bipin Kumar Son of Bhola Prasad @ Bhola Yadav  
All Resident of village - Alawalpur, P.S.- Daniyawan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      30-11-2022                      Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,325,307,379,504/34 of IPC.

The case relates to dispute regarding lane and drainage existing between the parties due to which the present occurrence took place.

Learned counsel for the petitioners submits that



petitioner Nos. 1 to 5 have clean antecedent whereas petitioner No.6 has got one criminal antecedent. They have falsely been implicated in the present case. Further submits that there is case and counter case between the parties and the dispute over drainage and lane between them and it appears from the FIR that both the parties are neighbours and dispute regarding lane and drainage due to which the present occurrence has taken place. Further submits that the injury report of the injured persons suggests that the injury report of injured, namely, Ranju Devi, Rupa Kumari and Arun Kumar is simple in nature but the injury report of the injured person, namely, Sanjay Kumar, out of three injuries, two are simple in nature and one is grievous in nature. Both the parties have received injury.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of petitioners.

Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Daniyanwa P.S. Case No. 79 of 2022, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and with other 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)**

Nitesh/-

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