

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53614 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- GAUNAHA District- West Champaran

1. Vikash Kumar Son of Dayanand Mahto R/V- Rupwalia, P.S- Gaunaha, Dist- West Champaran
2. Dayanand Mahto Son of Late Ramekbal Mahto R/V- Rupwalia, P.S- Gaunaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Gaunaha P.S. Case No. 25 of 2022 registered under Sections 341/323/354B/307/504/506/34 of the Indian Penal Code.

While co-accused Satish has allegedly dragged the



informant with intention of establishing physical relationship, it is alleged that she has raised a '*halla*'. Whereafter, the petitioners and other accused persons have come at the place and started indiscriminate assault upon the informant and her family members.

Learned counsel for the petitioners submits that parties are agnates. The case has been lodged due to a dispute over cutting of a '*Sisham* tree' situated on the petitioners' land. Petitioner No. 1 is a teacher in the school and petitioner No. 2 is a senior citizen, aged about 60 years. The dispute has given rise to another case, namely, Gaunaha P.S. Case No. 28 of 2022, lodged by the petitioners' side, wherein the prosecution parties are accused. Petitioners are in custody since 19.07.2022. The earlier antecedent of the petitioner is also in a case lodged by the husband of the present informant.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the petitioners' plea of the parties being agnates; and cause of action giving rise to two cases, one on behalf of the instant petitioners, as also the period of custody, this Court is inclined to allow the prayer.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of C.J.M., Bettiah, West Champaran in Gaunaha P.S. Case No. 25 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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