

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60668 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Mukesh Sah @ Chattu Sah Son of Late Baijnath Sah R/V- Navtol Kishanpur, P.S- Waris Nagar, Dist- Samastipur
2. Vikash Sah Son of Vimal Sah R/V- Navtol Kishanpur, P.S- Waris Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

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.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 342, 323, 307, 302 and 504 of the Indian Penal Code.

According to the prosecution case, during the time of the measurement of the disputed land, all the accused persons including the petitioners assaulted the informant and his family members due to said land dispute.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and there is admitted land dispute between them. He further submits that it appears from the F.I.R. that there is specific allegation of assault/overt act against the co-accused, namely, Manoj Sah and Bola Sah. He further submits that there is no allegation of assault or overt act against these petitioners. He further submits that the postmortem report of the deceased does not support the allegation as alleged in the F.I.R.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Wris Nagar P.S. Case No. 08 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, 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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