

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4927 of 2023

Arising Out of PS. Case No.-179 Year-2019 Thana- SANHAULA District- Bhagalpur

Baleshwar Sah, male, aged about 48 years, S/o Bhoopal Sah R/o Village-
Nagdaha, P.S.- Sanhaulla, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner apprehends arrest in Sanhaulla Police
Station (for brevity, PS) Case No 179 of 2019 registered for the
offence punishable under Sections 323, 341, 307, 504/34 of
Indian Penal Code.

From the First Information Report (for brevity 'FIR'), it
appears that the accused persons have assaulted the informant
and her family members arising out of a dispute over title and
possession of certain lands said to be recently acquired by the
informant's husband. The parties are also agnates, as his
apparent from the FIR itself.

Learned counsel for the petitioner submits that having no
antecedent the petitioner has been implicated in this case arising



out of land dispute between the agnates. In fact, the scuffle has taken place on a trivial issue. The FIR also does not disclose any specific assault against the petitioner, whereas against the others there is specific allegation.

The learned APP has opposed the prayer for bail.

Considering the rival submissions and in view of the general and omnibus nature of allegation made in the FIR taking in background the land dispute as also the fact that the parties are agnates, this Court, for the limited purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XI, Bhagalpur in connection with Sanhaulla P.S. Case No. 179 of 2019 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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