

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25020 of 2023

Arising Out of PS. Case No.-187 Year-2020 Thana- BISFI District- Madhubani

1. Sanjeevan Sadai Son of Dilchan Sadai Resident of Village-Bharantole, P.S.-Bisfi, District-Madhubani
2. Nandi Sadai Son of Dilchan Sadai Resident of village-Bharantole, P.S.-Bisfi, District-Madhubani
3. Bhagrit Sadai @ Bhagirath Sadai Son of Dilchan Sadai Resident of village-Bharantole, P.S.-Bisfi, District-Madhubani
4. Sagrit Sadai Son of Dilchan Sadai Resident of village-Bharantole, P.S.-Bisfi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Bisfi P.S. Case No. 187 of 2020,
registered on 08.06.2020, for the alleged offence under Sections
341, 323, 324, 307, 354, 379, 504, 506, 34 of the Indian Penal
Code.

04. As per prosecution case, the petitioners and co-
accused Dilchand Sadai assaulted the informant in the background

of some land dispute with *lathi*, *danda* and knife. They also took away Rs. 20,000/- cash and tore the *blouse* of the informant's wife.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is general and omnibus allegations against two of the petitioners. Learned counsel further submits that copy of injury report has been attached with the petition and which shows simple injuries which are abrasion, bruise and one incised wound of size 1x ¼"x skin deep, for which allegation is against the petitioner-Sagrit Sadai but at the same time, there is allegation against this petitioner of assaulting the informant with *lathi* and *danda* along with others. Learned counsel further submits that it is a false story and further, no injury has been found on the body of the informant's wife and, admittedly, there is land dispute.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioners that they assaulted the informant and his wife and also tore the blouse of the informant's wife.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute and further considering the simple nature of injuries, which appears to be minor and further

considering the possibility of false implication for other offences, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate/concerned court, Benipatti, District-Madhubani in connection with Bisfi P.S. Case No. 187 of 2020 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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