

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29303 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Pawan Thakur Son of Sitabi Thakur, R/o Village- Panchveer, P.S.- Sahebpur Kamal, District- Begusarai.
 2. Prakash Thakur Son of Sitabi Thakur, R/o Village- Panchveer, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-06-2023 Learned counsel for the petitioners submits that due to inadvertence wrong case number has been typed in paragraph no.7. Sahebpur Kamal P.S. Case No.333 of 2022 has been typed in place of Sahebpur Kamal P.S. Case No.334 of 2022. He seeks permission to correct the same.

2. Permission granted to remove the said defect in course of the day.

3. Let the defect(s), if any, be removed within two weeks from today.

4. Heard learned counsel for the petitioners and learned A.P.P. for the State.

5. The petitioners seek regular bail in connection with



Sahebpur Kamal P.S. Case No. 333 of 2022 dated 13.12.2022, lodged under Sections 147, 149, 307, 379, 324 & 504 of the Indian Penal Code.

6. As per prosecution case, the present F.I.R. has been lodged against 7 named accused persons including the petitioner in which allegation is there in the F.I.R. that all the accused persons reached at the house of his neighbourer and started threatening that for the construction of house they have to pay Rs.2 lac as ransom. On this instance scuffling started and allegation against the petitioner no.1 is that he has assaulted the informant's husband by *Gadasa* and petitioner no.2 has assaulted by iron rod to informant side namely Munna Thakur.

7. Learned counsel for the petitioners submits that the petitioners and informant side are well known to each other and they are adjacent neighbourer. From the contents of F.I.R. it transpires that for the construction of a barren land this dispute has occurred. He submits that on the said date and place of occurrence there are case and counter case bearing Sahebpur Kamal P.S. Case No.333 of 2022 (present case in which petitioner is seeking bail) and Sahebpur P.S. Case No.334 of 2022 filed by the petitioner side against the informant party (Annexure-3). He further submits that he has annexed the injury



report of both the injured persons which shows that the injury of one person is simple in nature and about injury of another person the opinion has been reserved. Learned counsel for the petitioner further submits that petitioners are in custody since 14.12.2022, there is one criminal case pending against both the petitioners in which they are on bail. He further submits that charge sheet has already been filed in this case.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 333 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of



their bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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