

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29845 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- BAHERI District- Darbhanga

1. Krishna Kumar @ Krishna Kumar Das S/O- Ram Vinay Das Village- Bachhuauni Police Station- Baheri, Dist- Darbhanga
2. Santosh Kumar @ Santosh Kumar Das Son Of Ram Vinay Das Village- Bachhuauni Police Station- Baheri, Dist- Darbhanga
3. Sajjan Kumar @ Sajjan Kumar Das Son Of Ram Vinay Das Village- Bachhuauni Police Station- Baheri, Dist- Darbhanga
4. Ram Vijay Das @ Ram Vinay Das Son Of Late Madan Das Village- Bachhuauni Police Station- Baheri, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Upendra Paswan Son Of Badri Paswan Village- Bachhuauni Police Station- Baheri, Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 357 of 2022, being G.R. No. 3495 of 2022, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 354 and 504/34 of the Indian Penal Code.

3. There is allegation that the petitioners have assaulted the informant and his son has also been pushed by



Santosh Kumar @ Santosh Kumar Das, who is petitioner no. 2.

4. Learned counsel for the petitioners submits that there is land dispute between the parties and from the allegations, it is apparent that no specific assault attributed against petitioner nos. 3 and 4 is corroborated by any injury. Insofar as the injuries considered by the learned Sessions Judge, Darbhanga in the order of rejection dated 02.02.2023, it is submitted that the same, at best, can be attributed to Krishna Kumar @ Krishna Kumar Das (petitioner no. 1), who is alleged to have assaulted by '*Farsa*'.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is their submissions that the injuries sustained by the informant on the head, are attributable to the petitioner nos. 1 and 2.

6. Considering the rival submission, the nature of injuries taken note of by the learned Sessions, Judge, Darbhanga in the impugned order dated 02.02.2023, the fact that the petitioners have no antecedents, this Court is inclined to allow the prayer for bail on behalf of petitioner no. 3 and 4.

7. Accordingly, let the petitioner nos. 3 and 4, namely, Sajjan Kumar @ Sajjan Kumar Das and Ram Vijay



Das @ Ram Vinay Das, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 ACJM VII, Darbhanga, in connection with Baheri P.S. Case No. 357 of 2022, being G.R. No. 3495 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also 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.

8. In so far as the petitioner nos. 1 and 2, namely Krishna Kumar @ Krishna Kumar Das and Santosh Kumar @ Santosh Kumar Das are concerned, this Court, considering the nature of allegation as also the fact that allegation of assault



attributed against the petitioner Nos. 1 and 2, is supported by their injuries, is inclined to accept the submissions advanced on behalf of the learned APP for the State as well as learned counsel for the informant.

9. Prayer for bail made on behalf of the petitioner Nos. 1 and 2 is rejected.

(Madhuresh Prasad, J)

uttam/-

U		T	
---	--	---	--

