

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36206 of 2023

Arising Out of PS. Case No.-1073 Year-2022 Thana- SASARAM NAGAR District- Rohtas

1. Kamlesh Seth son of Late Bheem Seth @ Bhim Seth Mohalla- Shobhaganj Ps- Sasaram (Town) Dist- Rohtas
2. Manish Kumar son of Kamlesh Seth Mohalla- Shobhaganj Ps- Sasaram (Town) Dist- Rohtas
3. Manju Devi wife of Kamlesh Seth Mohalla- Shobhaganj Ps- Sasaram (Town) Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Sasaram (Town) P.S. Case No.1073 of 2022, registered for the offences punishable under Sections 341, 323, 324, 354(b), 506, 34 of the Indian Penal Code.

3. It is alleged that on account of dispute in connection with free passage of the persons of both the sides, all the accused persons started abusing and when the informant objected, thereupon the petitioner Manish Kumar threatened him with dire consequence on the point of pistol. It is further



alleged that all the accused persons assaulted the informant by means of lathi, danda, knife and bricks, due to which the informant and his daughter sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that in fact on account of a trifling dispute regarding passage, the persons of both the sides entered into a hot verbal exchange which ultimately resulted into scuffle wherein persons of both the sides have sustained injuries. He further submits that there is a counter version of the present case bearing Sasaram (Town) P.S. Case No. 1076 of 2022 registered by petitioner no.2. He next submits that so far the injury allegedly sustained to the informant and his daughter are concerned the same has been found to be simple in nature and caused by hard and blunt substance. In support of the aforesaid averments the injury report has been brought on record by way of Annexures 3. He further brought on record the injury reports of the petitioner nos.1 and 3, who have also sustained injuries. He lastly submits that the petitioners are next door neighbour and they are having clean antecedent.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of injury coupled with the fact that the occurrence took place on account of a trifling land dispute, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No.1073 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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