

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56242 of 2023

Arising Out of PS. Case No.-419 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. SANJAY KUMAR @ SANJAY SAH SON OF UPENDRA SAH
RESIDENT OF VILLAGE- SHERPUR, PS- SADAR, DISTT-
MUZAFFARPUR
 2. VIKRAM KUMAR @ CHHOTU KUMAR @ CHHOTU SAH @
CHHOTU SON OF UPENDRA SAH RESIDENT OF VILLAGE-
SHERPUR, PS- SADAR, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioners are accused in connection with Sadar
P.S. Case No. 419 of 2023 registered for the offences under
sections 341, 323, 324, 325, 307, 354, 427, 504 and 34 of the
Indian Penal Code lodged on 03.05.2023 by the informant,
Monu Kumar.

As per the prosecution story, the informant has
alleged that his sister called him at her house and stated that she
has been assaulted by her in-laws which included the ‘*devars*’
and the ‘*devranis*’. Upon knowledge, the informant’s brothers
went to her in-laws house, tried to negotiate with them, when



allegation is that the accused persons resorted to assault causing head injuries. Specific allegation is against petitioner no. 1 of causing head injury by an iron rod while allegation against petitioner no. 2 is of causing injury on the finger of the informant, they further demanded Rs. 1 lakh and also damage the motorcycle of the informant. Accordingly, the FIR.

It is the case of the petitioner that though allegation of using iron rod on the head is there in the FIR, as per the Medical Certificate of the Sadar Hospital, Muzaffarpur, the said injury has been found to be simple in nature though he concedes that the injury on the finger has been found to be grievous.

It is his further submission that both the informant and accused are family members inasmuch as the informants are brothers-in-law of one of the brother of the accused.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 10,000/- each (Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.



Learned APP for the State, on the other hand, opposes the prayer for bail stating that both the petitioners have caused head and finger injuries on the person of the informant, when they had only come to negotiate the problem with him their sister along with '*devars*' and '*devranis*'.

Taking into account the submissions put forward by the rival parties, the injuries on the head has been found to be simple in nature, as per the Medical Report, the petitioners are in custody since 01.07.2023 (as stated in paragraph 12 of the bail application), this Court is inclined to extend them privilege of bail subject to the payment of Rs.20,000/- as undertaken by the learned Counsel for the petitioners.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of C.J.M., Muzaffarpur in connection with Sadar P.S. Case No. 419 of 2023 corresponding to G.R. No. 2241 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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