

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57095 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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1. ARBIND SAH S/O LATE DOMI SAH R/O VILLAGE- ADAMPUR, P.S- K. NAGAR, DISTT.- PURNEA.
 2. DILIP SAH S/O LATE DOMI SAH R/O VILLAGE- ADAMPUR, P.S- K. NAGAR, DISTT.- PURNEA.
 3. ASHOK SAH S/O LATE MODI SAH R/O VILLAGE- ADAMPUR, P.S- K. NAGAR, DISTT.- PURNEA.
 4. CHHOTU SAH @ CHHOTU KUMAR @ CHOUTU SAH S/O ARBIND SAH R/O VILLAGE- ADAMPUR, P.S- K. NAGAR, DISTT.- PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP
For the Informant	:	Mr. Bidhu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard Mr. Bhola Prasad, learned counsel for the petitioner, Mr. Rajendra Prasad Nat, learned APP for the State and Dr. Bidhu Ranjan, who represent the informant.

The petitioners are in judicial custody in connection with K.Nagar P.S. Case No. 182 of 2023 registered under Sections 147, 341, 323, 324, 325, 307, 354, 379, 504 and 506 of the Indian Penal Code lodged on 22.03.2023 by the informant, Rajendra Shah.

As per the prosecution story, the allegation is that due to land dispute, the accused persons assaulted the



informant's side and the allegation is that co-accused, Arbind Sah gave '*iron rod*' blow to the informant, Rajendra Sah and when Chandan Kumar Sah came to his rescue, Ranjit Kumar Sah, another accused assaulted him on the head and further Mantu Sah assaulted another son of the informant causing injury on his hand. The further allegation is of outraging the modesty of the daughter-in-law and taking away Rs. 10,000/-. So far as petitioner no. 4 is concerned, his presence has been shown but no allegation. Accordingly, the FIR.

It is the case of the petitioners that though specific allegations are there against the accused persons, the injury report of Primary Health Centre, K. Nagar, Purnia would show that the injuries upon Rajendra Sah, Chandan Kumar Sah and Ravish Sah have been found to be simple in nature.

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 petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- 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 by the petitioner no. 1, Arbind Sah after checking the credentials.

The last submission is that they are in custody since 17.06.2023 (as stated in paragraph- 10 of the) and they do not have criminal antecedent.

Learned counsel for the informant, on the other hand, submits that all of them brutally assaulted the informant's side causing injuries to him as also his two sons, the daughter-in-law and further tried to outrage her modesty and in that background, he opposes the prayer for bail.

To this, learned counsel for the petitioners submit that persons with omnibus allegation, namely, Sanjay Sha, Ranjit Sha, Mantu Sha & Kishore Sah have been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 56552 of 2023.

Taking into account the submission put forward by the learned counsel for the parties, injury report of the injured which shows the same to be simple in nature to all the three, they are in custody since 17.06.2023 (as stated in



paragraph-10 of the petition), none of them have criminal antecedent, this Court is inclined to grant them extended the privilege of bail, subject to payment of Rs. 10,000/- by the petitioners as undertaken by the learned counsel for the petitioners, as stated above.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K.Nagar P.S. Case No. 282 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 his/her *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 fortnight for next six months 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 the bail bonds.

(Rajiv Roy, J)

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