

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57999 of 2023**

Arising Out of PS. Case No.-91 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

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1. Nasir @ Nasir Rain @ Md Nasir S/O Late Rahman
2. Md. Wasim @ Md. Wasim Rain S/O Nasir @ Nasir Rain @ Md. Nasir  
Both R/O Village- Kumai, P.S. Ghanshyampur, Dist. Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rama Kant Singh, Advocate  
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-09-2023                      Heard learned counsel for the petitioners and the  
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 27.06.2023 in connection with Ghanshyampur P.S.Case No.91 of 2023, F.I.R. dated 30.04.2023 registered for the offence punishable under Section 341,323,308,379,504,506,34 of the Indian Penal Code.

3. According to FIR, the prosecution case, in brief, is that on 24.04.2023 at about 7.30 AM mother of the informant was sitting at her house alone, in the meanwhile all the accused persons including the petitioners entered into his house duly armed with lathi, danda and bamboo sticks and started abusing her and assaulted his mother as a result of which she became



injured and began to bleeding. It is further alleged that petitioner Md. Wasim gave a danda blow on her head due to which she sustained injury on her face near the eye and mouth due to which bleeding was started from her mouth and accused persons also committed loot of the house hold articles.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Both the parties are agnates and the land dispute is going on and due to land dispute the present occurrence had taken place and both the parties reside in one house and as per allegation the petitioners have assaulted with lathi to the mother of the informant, although the injury report suggests that the injury is grievous in nature but there was no intention to kill the mother of the informant and the informant is nephew of petitioner No.1 and cousin brother of petitioner No.2 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 27.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted with lathi to the mother of



the informant and she has sustained grievous injury but fairly submits that there is case and counter case and both the parties are agnates.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Biraul, Benipur, Darbhanga in connection with Ghanshyampur P.S.Case No.91 of 2023, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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