

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56864 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- JAMOBAZAR District- Siwan

SUDAMA DUBEY SON OF JAGARNATH DUBEY R/O VILL-
JALALPUR, PS- JAMO BAZAR, DIST- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56881 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- JAMOBAZAR District- Siwan

HEMANT SHUKLA SON OF DHANESHWAR SHUKLA R/O VILL-
JALALPUR, PS- JAMO BAZAR, DIST- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56864 of 2023)

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 56881 of 2023)

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection
with Jamo Bazar P.S. Case NO. 77 of 2023 registered under
Sections 341, 342, 447, 323, 325, 307, 504 and 506/34 of the
Indian Penal Code lodged on 23.04.2023 by the informant,



Amod Dubey.

As per the prosecution story, the allegation is that due to land dispute, scuffle took place which became violent and in the process, allegation is that number of accused persons assaulted the informant as also his family members. So far as these three petitioners are concerned, allegation is that while Sudama Dubey (petitioner) assaulted the informant on his 'thigh' by a 'bhala', the petitioner, Hemant Shukla assaulted Ajay Dubey by 'bhujali' which caused injury in his hands. Accordingly, the FIR.

It is the case of the petitioners that there is case and counter case between the parties and the petitioner's side has also suffered injuries, admittedly, it happened due to land dispute, both are agnates. the alleged assault is/are not on the vital parts and they are in custody since 24.04.2023.

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 opposes the prayer for bail stating that they have used '*bhujali*' which caused injury to the informant's side.

Considering the fact that there is a land dispute, case and counter case, the main allegation is on Bihari Dubey of assaulting on the head of the informant, though there is/are allegation against the petitioners too but not on vital parts, have remained in custody since 24.04.2023, this Court is inclined to grant him privilege of bail subject to payment of Rs. 10,000/- each by the petitioners in both the aforesaid cases to the informant.

Let the petitioners 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 Judicial Magistrate, First Class, Siwan in connection with Jamo Bazar P.S. Case No. 77 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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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