

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60069 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- PIPRAHI District- Sheohar

1. Rajan Kumar @ Rajan Sah Son Of Ganaur Sah Resident Of Village- Bashiya Sheikh, Ps- Piprahi Distt- Sheohar
2. Jagtaran Devi Wife Of Ganuar Sah Resident Of Village- Bashiya Sheikh, Ps- Piprahi Distt- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Md. Waliur Rahman, learned counsel for the petitioners as well as Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sheohar Piprahi P.S. Case No. 33 of 2023, F.I.R. dated 19.02.2023 for the offences punishable under Sections 341, 323, 324, 325, 354, 307, 447, 379/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons assaulted the mother of the informant by means of sword on her head due to which she sustained injuries.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case and due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that the petitioner no. 2 has also filed Piprahi P.S. Case No. 34 of 2023 against the informant and his family members. He further submits that as per the allegation in the F.I.R the petitioner no. 2 is the order giver and petitioner no. 1 along with other accused persons have inflicted sword on the head of the mother of the informant due to which she sustained injuries. He further submits that the injury report of the mother of the informant suggest that the injury is simple in nature caused by hard and blunt substance. In other words, the injury report does not support the allegation as alleged in the F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries three cases other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sheohar in connection with Sheohar Piprahi P.S. Case No. 33 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 tampers 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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