

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64650 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- MAHESHKHUNT District- Khagaria

1. Sajjan Sah @ Sajjan Sah Son Of Kusho Sah Resident Of Village - Dhrampur Banni, P.S. - Maheshkhunt, District - Khagaria
2. Kundan Sah Son Of Kusho Sah Resident Of Village - Dhrampur Banni, P.S. - Maheshkhunt, District - Khagaria
3. Binod Kumar Son Of Srikant Sah Resident Of Village - Dhrampur Banni, P.S. - Maheshkhunt, District - Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mahehshkhunt P.S. Case No. 299 of 2022 registered for the offences punishable under Sections 341, 323, 325, 307, 379, 506, 504/34 of the Indian Penal Code. They have got two criminal antecedents in which they are said to be on bail.

3. As per the prosecution story, on 11.12.2022, all the accused persons variously armed arrived at the land of the informant and they assaulted the informant's side. Thereafter, Sajjan Sah (petitioner no. 1) and Kundan Sah (petitioner no. 2)

assaulted on the head of the informant by lathi as a result of which blood started oozing out. It is alleged that Binod Kumar (petitioner no. 3) assaulted on the head of the cousin of the informant, namely, Gagan Kumar Chaudhary with lathi. Thereafter co-accused Santosh Kumar Sah assaulted the informant on his head and his hand as a result of which his hand got fractured. It is also alleged that co-accused Rukmini Devi sprinkled chilli powder in the eyes of the informant. It is further alleged that accused person looted away 7 bags of cement worth Rs.2800/-, 3 spade worth Rs.900/-, 6 tagari worth Rs.12,00/- and fled away.

4. Learned counsel for the petitioners submits that there is an admitted land dispute between the parties. It is his submission that the land in question has been decreed in favour of the petitioners, however, the informant's side wanted to take forceful possession of the land.

5. Learned counsel submits that with respect to the alleged occurrence, there is a case and counter case lodged on the same day. Both the parties have indulged in a free fight and injuries have been caused to both the sides. It is, therefore, a case on account of land dispute between the parties. The petitioners have got two criminal antecedents in which they are

on bail and both the cases have been lodged on account of the same land dispute.

6. Learned counsel for the informant is present. It is submitted that so far as petitioner nos. 1 and 2 are concerned, they are said to have caused simple injury to the informant, however, petitioner nos. 3 has caused grievous injury to one Gagan Kumar Chaudhary. Learned counsel for the informant, however, does not dispute that there is a case and counter case between the parties and both the sides have suffered injuries.

7. Having regard to the facts and circumstances of the case, in the nature of the dispute and the fact that both the sides have two different versions of the prosecution story and they have indulged in a free fight in which both the sides have assaulted each other, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Maheshkhunt P.S. Case No. 299 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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