

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64867 of 2023

Arising Out of PS. Case No.-347 Year-2023 Thana- MAHUA District- Vaishali

1. Suraj Devi Wife Of Indal Sahni Resident Of Village - Awabakarpur, P.S. - Mahua, District - Vaishali At Hajipur
2. Sachin Kumar Son Of Indal Sahni Resident Of Village - Awabakarpur, P.S. - Mahua, District - Vaishali At Hajipur
3. Indal Sahni Son Of Late Kishun Sahni Resident Of Village - Awabakarpur, P.S. - Mahua, District - Vaishali At Hajipur

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Dilip Kumar Roy, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Mahua P.S. Case No. 347 of 2023, registered for the
offences punishable under Sections 341, 323, 324, 325, 307,
354, 302, 504 & 506/34 of the Indian Penal Code.

3. Allegedly on account of land dispute, all the F.I.R.
named accused persons, including the petitioners came at the
house of the informant and on the exhortation made by co-
accused Rabindra Singh. The petitioner nos. 2 & 3 assaulted the



father of the informant, due to which he sustained serious injury.

It is further alleged that petitioner no. 1 caught hold the hair of the informant and assaulted with fist and slaps.

4. Learned counsel appearing on behalf of the petitioners submits that admittedly there is a land dispute between the parties and moreover there is a counter version of the present case being Mahua P.S. case No. 354 of 2023. He next submits that on account of the aforesaid land dispute, a proceeding under Section 144 Cr.P.C. is also pending before the jurisdictional Court. He next submits that though the occurrence took place on 19.05.2023, but for the first time, the *fardebyan* of the informant was recorded on 08.06.2023, and thereafter the present case has been registered on 10.06.2023, as such, deliberation cannot be ruled out, that apart, the petitioners are persons of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against the petitioners. Moreover, the petitioner nos. 2 & 3 have assaulted the father of the informant, who later on succumbed to injury.

6. Regard being had to the submissions made on behalf of the parties and considering the specific allegation



against the petitioner nos. 2 & 3, who are author of the fatal injury, this Court is not persuaded to enlarge them on bail and as such their prayer stands rejected. So far the petitioner no. 1 is concerned, taking note of the allegation that she had caught hold the hair of the informant along with co-accused Ram Pari Devi and assaulted by means of fist and slaps, in the backdrop of land dispute, coupled with her fair antecedent, let the petitioner no. 1, abovenamed, be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Vaishali at Hajipur in connection with Mahua P.S. Case No. 347 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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