

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67844 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- DAGARUA District- Purnia

1. Sanjay Murmu S/O Yugal Murmu R/O Village- Bhaura Nikhrail, P.S-
Dagarua, District- Purnea
2. Yugal Murmu S/O Late Jetha Murmu R/O Village- Bhaura Nikhrail, P.S-
Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajendra Prasad Sah, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Dagarua P.S. Case No. 198 of 2022, registered for the offences punishable under Sections 447,147,148,149,341,323,324,307 of the Indian Penal Code.

The prosecution case is based on the *fardebayan* of the informant alleging therein that the petitioners and 11 other named accused persons armed with arrow-bow, axe and sword



came over the land in question and on pretest being made by the informant and his brother, all the accused persons assaulted them. It is specifically alleged that co-accused Manoj Murmu shoot arrow on the chest of the brother of the informant due to which he sustained grievous injury.

Learned counsel appearing on behalf of the petitioners submits that from the FIR it would be evident that the specific allegation has been levelled against co-accused Manoj Murmu and so far the petitioners are concerned the general and omnibus allegation has been levelled. He further submits that the FIR has been instituted in the background of the land dispute wherein the petitioner no. 2, who happens to be the father of petitioner no. 1, had purchased a land in question which is the subject matter of dispute. He further submits that there is no independent witness who have supported the prosecution case and, moreover, the petitioners having fair antecedent are in custody since 19.08.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the fact that the land in question which is the



subject matter of the dispute belongs to the petitioners, coupled with the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned J.M. 1st Class, Purnia in connection with Dagarua P.S. Case No. 198 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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