

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3736 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- BENIPATTI District- Madhubani

Shambhu Das, Son Of Late Hari Narayan Das, R/O Village- Baisaitha, P.S.-
Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Benipatti P.S. Case No. 258 of 2022 registered for the alleged offences under Sections 341, 323, 307, 354(B), 379/34 of the Indian Penal Code.

As per prosecution case, petitioner and other co-accused persons, in the background of land dispute, threatened and assaulted the informant and her other family members along with his brother-in-law with iron rod, *lathi* and *danda*. They also tried to outrage the modesty of the informant. Allegation against the petitioner is that he snatched gold chain from the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and falsely implicated in this case. It is



apparent from the FIR that there is land dispute between the parties and that dispute is over the commercial plot. There is no specific allegation against the petitioner, except snatching the gold chain, which is ornamental in nature. Specific allegation is only against co-accused Amrit Das. Injury reports have been brought on record and all the injuries are found to be simple in nature. Learned counsel further submits that due to dispute over property and in the spur of moment, female members of both the families entered in the scuffle and the informant received superficial injuries. A complaint case has been instituted against the informant's side by the wife of co-accused Amrit Das bearing Complaint Case No. 411 of 2022 and this was prior to institution of the present case. The petitioner is in custody since 17.10.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and absence of any serious injuries and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge sheet, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Chief Judicial Magistrate, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 258 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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