

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5826 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Pavandev Ishwar S/O RAM SWARUP ISHWAR VILLAGE- LAGUNIYA RAGHUKANTH, PS. MUFFASIL, DIST. SAMASTIPUR.
 2. GOPAL ISHWAR S/O PAVANDEV ISHWAR VILLAGE- LAGUNIYA RAGHUKANTH, PS. MUFFASIL, DIST. SAMASTIPUR.
 3. JAY KRISHAN CHAUDHRI S/O SHYAM SUNDAR CHAUDRI VILLAGE- LAGUNIYA RAGHUKANTH, PS. MUFFASIL, DIST. SAMASTIPUR.
 4. MANIKANT CHAUDHRI S/O JAY KRISHAN CHAUDHRI VILLAGE- LAGUNIYA RAGHUKANTH, PS. MUFFASIL, DIST. SAMASTIPUR.
 5. HARI MOHAN CHAUDHRI @ SANJAY CHAUDHRI S/O BAL KRISHAN CHAUDHRI VILLAGE- LAGUNIYA RAGHUKANTH, PS. MUFFASIL, DIST. SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 116 of 2023 for the offence under sections 147, 148, 149, 447, 448, 341, 323, 324, 307, 379, 380, 354B, 504, 506 of the I.P.C. and 27 of Arms Act lodged on 28.01.2023 by the informant, Dharmshila Devi.

3. As per the prosecution story, the informant has alleged that due to land dispute, the accused persons assaulted



them and the allegation against Gopal Ishwar is of giving 'farsa' blow to Harinarayan Chaudhri while other accused persons resorted to firing. The further allegation is that they also took away costly items of the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that there is a case and counter case, the occurrence is of 15.12.2023 whereas the FIR was lodged on 28.01.2023 and the inordinate delay has not been explained. The further submission is that though there is allegation of firing, no gun shot injury is/are there. The injury inflicted to Harinarayan Chaudhri has been found to be simple in nature.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner no. 2, Gopal Ishwar on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer stating that with the common intention, they assaulted the informant and his family members.



7. Taking into account the submissions put forward by the parties as also the fact that there is a case and counter case, inordinate delay of lodging of the FIR, and the injury inflicted by petitioner no. 2, Gopal Ishwar has been found to be simple in nature, no gun shot injury is on record, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 5,000/- to be paid by the petitioner no. 2, Gopal Ishwar to the informant as undertaken by the learned counsel for the petitioners.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-II, Samastipur, in connection with Mufassil P.S. Case No. 116 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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