

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10202 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MANER District- Patna

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1. CHHOTU KUMAR @ CHHUTKUN S/O SHYAM NANDAN MEHRA
R/O VILLAGE- NAWATI MOHALLA, MANER, P.S- MANER, DISTT.-
PATNA.
 2. SHAYAM NANDAN MEHRA S/O LATE SITARAM MEHRA R/O
VILLAGE- NAWATI MOHALLA, MANER, P.S- MANER, DISTT.-
PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Pandey, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-02-2024 Heard Mr. Aditya Pandey, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending arrest in connection with Maner P.S. Case No. 428 of 2023 instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code lodged on 7.6.2023 by the informant, Saurabh Kumar.

3. As per the prosecution story, the informant and the accused persons are agnates inasmuch as the informant is nephew of petitioner no. 2 and cousin brother of petitioner no. 1. The allegation is that on the issue of construction of house on



the land which the informant claims, has been allotted to him, the assault took place and both the petitioners assaulted on his face with sharp cutting weapon causing bleeding and he became unconscious. As his father came to the rescue, he too was assaulted. They were sent to Primary Health Centre, Maner and then to P.M.C.H, Patna. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that an exaggerated case has been made by the agnate only to implicate them, admittedly, there is a land dispute. He has further taken this Court to the observation of learned Session Judge to show that the injuries have been found to be simple in nature, they do not have criminal antecedent.

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, Shyam Nandan Mehra on its own would like to contribute towards the medical assistance of Rs. 5,000/- each to the father and the son (total Rs. 10,000/-) 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 and his father after checking the credentials.

6. Learned APP opposes the prayer stating that both



the father and son have been assaulted and so far as the informant is concerned, he has sustained injuries on his face by sharp cutting weapon.

7. Considering the submissions put forward by the parties as also the fact that they do not have criminal antecedent, admittedly, there is a land dispute, the injuries have been found to be simple in nature, this Court is inclined to extend them privilege of anticipatory bail, subject to the payment of Rs. 5,000/- each to the informant and his father to be paid by the petitioner no. 2 as undertaken by the learned counsel for the petitioners.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Maner P.S. Case No. 428 of 2023 to the satisfaction of learned J.M.-1st Class, Danapur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 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;

(iv) 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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