

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25252 of 2024

Arising Out of PS. Case No.-1011 Year-2023 Thana- MAJHAULIA District- West
Champaran

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1. Bhushan Sah @ Bhushan Kumar Sah Son Of Asessar Sah Resident Of Village- Bishmbhara, P.S- Majhauriya, Dist- West Champaran
 2. Umesh Sah Son Of Asesar Sah Resident Of Village- Bishmbhara, P.S- Majhauriya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioners and Mr. Pramod Kumar Pandey, learned APP for the

State.

2. The petitioners are apprehending their arrest in
connection with Majhauriya P.S. Case No. 1011 of 2023, F.I.R.
dated 23.11.2023 registered for the offences punishable under
Sections 447, 341, 323, 324, 307, 325, 379, 504, 506/34 of the
Indian Penal Code.

3. Allegation against the petitioner namely Bhushan
Kumar is that he assaulted to the informant's son with iron rod
due to which he sustained injury on his left hand as well as the
allegation against the petitioner namely Umesh Sah is that he



assaulted to the informant with *farsha* on his head and sustained injury.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is specific allegation against the petitioner no. 1 that he assaulted to the informant's son and the allegation against the petitioner no. 2 is that he assaulted to the informant and it appears from the F.I.R. itself that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties and although the informant and his son received injury but the injury report of the informant suggests that the injury is simple in nature and the injury report of the son of informant which is as follows:

“Swelling and tenderness over left hand

Swelling & tenderness left frontal region skull.

X-ray Lt hand AP/Lat- Not submitted

CT head- Not submitted

Opinion- Reserved.”

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners



having clean antecedents and there is case and counter case between the parties and injury report of the informant suggests that injur report is simple in nature and the injury report of the son of the informant suggests that he received injury but the injury is not on vital part of the body, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/Successor Court in connection with Majhauilya P.S. Case No. 1011 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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