

Arising Out of PS. Case No.-94 Year-2023 Thana- BADHAILA District- Rohtas

Arising Out of PS. Case No.-94 Year-2023 Thana- BADHAILA District- Rohtas

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Advocate
Mr. Pramod Kumar Sinha, Advocate
Mr. Alexander Ashok, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Baghaila P.S. Case No. 94 of 2023 for the offence registered under section 323, 325, 307, 504, 506/34 of the I.P.C. lodged on 16.10.2023 by the informant, Jitendar Kumar Singh.

3. As per the prosecution story, the informant alleged that there was land dispute between the parties and in that circumstance, the accused persons surrounded and assaulted with spade and stick. As the informant went to get the matter settled, he was also assaulted by these two petitioners, causing injury on the head, he went to the hospital and subsequently to



the police station and the F.I.R. lodged.

4. Learned Senior Counsel submits that both the parties belong to the same family and due to land dispute, minor scuffle took place, there is case and counter case and further a perusal of the learned Sessions Judge order would show that the injuries have been found to be simple in nature.

5. Learned APP opposes the prayer submitting that the allegation of assault is on the head.

6. Considering the aforesaid facts, though the allegation of assault on his head is there, order-sheet of the learned Sessions Judge order would show that the injuries have been found to be simple in nature. Both the petitioners do not have criminal antecedent, there is case and counter case.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 94 of 2023 subject to condition 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 their 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 their 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 the bail bonds.

(Rajiv Roy, J)

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