

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40721 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SHAMBHUGANJ District- Banka

1. Triveni Marik son of Ram Marik Village- Chhoti Bharatshila Ps- Shambhuganj Dist- Banka
2. Nitish Kumar son of Triveni Marik Village- Chhoti Bharatshila Ps- Shambhuganj Dist- Banka
3. Rahul Marik @ Rahul Kumar son of Triveni Marik Village- Chhoti Bharatshila Ps- Shambhuganj Dist- Banka
4. Radha Devi @ Usha Devi wife of Triveni Marik Village- Chhoti Bharatshila Ps- Shambhuganj Dist- Banka
5. Sarita Devi wife of Rahul Marik @ Rahul Kumar Village- Chhoti Bharatshila Ps- Shambhuganj Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Brij Nandan, learned counsel for the

petitioners as well as Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Shambhuganj P.S. Case No. 19 of 2024, F.I.R.
dated 12.01.2024 for the offences punishable under Sections
447, 341, 323, 354, 379, 307, 504, 506/34 of the Indian Penal
Code.

3. According to prosecution case, a quarrel took place



between the petitioners and informant's family due to some land dispute where both the parties have sustained injuries. It is further alleged that these petitioners have assaulted the informant and his family members by means of lathi and petitioner no. 3 snatched gold earring and Rs. 10,000/- from informant's house.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that it appears from the F.I.R that in the present occurrence both the sides have received injury. Although the informant side has received injuries but the injury report suggests that the injuries are simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, there is case and counter case between the parties and the injuries inflicted upon the family members of the informant are simple in nature, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 19 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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