

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47568 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- NAWANAGAR District- Buxar

1. Krishna Singh @ Krishna Kumar Singh @ Jhini Singh Son of Sri Ram Singh Village- Karsar, Ps- Nawanagar, Dist- Buxar
2. Manju Devi Wife of Sri Ram Singh Village- Karsar, Ps- Nawanagar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Dr. Kamal Deo Sharma, learned counsel for the petitioners as well as Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nawanagar (Sonvarsha O.P.) P.S. Case No. 305 of 2023, F.I.R. dated 01.08.2023 for the offences punishable under Sections 341, 323, 308, 325, 504, 506, 354(B)/34 of the Indian Penal Code.

3. According to prosecution case, when the father of the informant was not at home then both the petitioners started constructing toilet on her plot and when the informant's mother tried to stop them then both the petitioners along with two other



accused persons have brutally assaulted the informant and her family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Nawanagar P.S Case No. 304 of 2023 filed by the petitioner no. 2 against the informant and her family members. He further submits that in the present occurrence both the sides have sustained injuries and it is evident from the F.I.R that the occurrence took place due to admitted land dispute between the parties where both the parties are agnate. He further submits that although there is specific allegation that the petitioners have assaulted the family members of the informant but the injury report of the family members of the informant suggests that all the injuries are simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, injury report of the injured persons suggest that the injuries are simple in nature and there is case and counter case between the parties, 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, Buxar in connection with Nawanagar (Sonvarsha O.P.) P.S. Case No. 305 of 2023, 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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