

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51362 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- CHAND District- Kaimur (Bhabua)

1. Kapil Sah, age about 46 years, Male, S/O Late Baij Nath Sah, R/O Village-Chand, P.S- Chand, Distt.- Kaimur at Bhabua.
2. Anil Kumar Gupta, age about 26 years, Male, S/O Kalip Sah, R/O Village-Chand, P.S- Chand, Distt.- Kaimur at Bhabua.
3. Sunil Kumar Gupta, age about 23 years, Male, S/O Kapil Sah, R/O Village-Chand, P.S- Chand, Distt.- Kaimur at Bhabua.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Chand P.S. Case No. 166 of 2023 dated 20.08.2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 20.08.2023 at about 1.00 P.M., while the informant's husband was working in his field, the petitioners alongwith the other co-accused persons came carrying *lathi*, *kudal* and *iron rod* in their hands and started abusing and assaulting him, as a result of which, he



sustained several injuries on his body. It is further alleged that the petitioners snatched a gold chain from his neck worth Rs. 70,000/-.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that both parties are agnates. There is land dispute between the parties. The informant is not an eye witness to the alleged occurrence. There is general and omnibus allegation against the petitioners. The occurrence took place on 20.08.2023 and the F.I.R. has been lodged on 23.08.2023 after a delay of three days for which no explanation has been given by the petitioners. The real fact is that the husband of the informant has forcibly occupied the land of the petitioners where the petitioners went and protested then a scuffle took place and the informant's husband fell on the earth and sustained injuries. The doctor has opined two injuries, out of three injuries, grievous in nature caused by hard and blunt substance. The other co-accused Santoshi Devi has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 6630 of 2024 under order dated 18.04.2024. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since



27.05.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Kaimur at Bhabua in connection with Chand P.S. Case No. 166 of 2023 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

