

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53007 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Ranju Devi, Wife of Panchanand Sharma, R/o Village- Santnagar, Ward No.-
18, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Md. Harun Quareshi, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Saharsa Sadar P.S. Case No. 743 of 2023
registered for the offences punishable under Sections 341, 342,
307, 302, 323, 324/34 of the Indian Penal Code.

3. The F.I.R. is based upon a complaint, which alleges
that while the son of the informant restrained the co-accused
person in constructing the house over the land, which was in the
process of measurement, the accused persons assaulted the
informant and his son. It is specifically alleged that co-accused
Rayess assaulted the son of the informant by means of spade.
Co-accused Panchanand Sharma assaulted the informant by



means of Iron rod and the petitioner has also assaulted the son of the informant by means of lathi. There is allegation against the other accused persons of assault. It is further alleged that on account of assault Nagmani Devi (wife of the informant) sustained injury and she was taken to IGIMS, Patna where she died on 04.08.2023.

4. Learned Advocate for the petitioner contended that in fact prior to the lodging of the F.I.R. the petitioner instituted a criminal case, bearing Saharsa Sadar P.S. Case No. 405 of 2023 on 25.06.2023 against the informant and others. The materials on record clearly suggests a long standing land dispute. It is next contended that with regard to an occurrence, which took place on 21.06.2023, the complaint has been filed on 22.09.2023, which was later on sent to the concerned police station under Section 156(3) of the Cr.P.C. and thereafter the present F.I.R. has been instituted. It is also contended that in fact the deceased died on account of some other ailment at IGIMS, Patna on 04.08.2023, however, neither any information has been given to the police nor post-mortem has been conducted on the dead body and the entire case is based on falsehood. The injury report of the son of the informant has also been brought on record, which suggests simple injury, caused by hard and blunt



substance, the copy of which is marked as Annexure-4. The petitioner is in custody since 14.05.2024.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., coupled with the simple nature of injury attributable to the petitioner and the factum of period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 743 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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