

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54119 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- BASANHI District- Saharsa

1. Mantu Sah, son of Ramdeo Sah, Resident of Village- Barsam, Ward No-6, P.S.- Basnahi, Dist- Saharsa
2. Rinki Devi, wife of Mantu Sah, Resident of Village- Barsam, Ward No-6, P.S.- Basnahi, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Basnahi P.S. Case No. 63 of 2024 registered for the offences punishable under Sections 326, 341, 342, 323, 324, 307/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the father of the informant was sleeping in the courtyard, in the meantime some unidentified persons came there and caused serious injury on his head by means of sharp cutting weapons. Suspicion has been raised against the petitioners that on account of earlier enmity, they have assaulted



the father of the informant.

4. Learned Advocate for the petitioners referring to the F.I.R. contended that the informant is not an eye witness to the alleged occurrence and the F.I.R. has been instituted only on the basis of suspicion, on account of enmity between the parties. It is further contended that the occurrence took place on 29.03.2024 and after two months, the statement of the victim was recorded, who made omnibus allegation that all the F.I.R. named accused persons by taking the benefit of dark night came there and assaulted him by means of sharp cutting weapon and fled away. There is no specific allegation that who caused the assault and what was the reason for delay in recording the statement of the informant. The land dispute is admitted and, as such, the false implication of the petitioner also cannot be ruled out. It is lastly contended that the petitioners are in custody since 31.03.2024, having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the injured has categorically stated that it is the petitioners, who caused injury by means of sharp cutting weapon.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in recording the



statement of the injured and the long standing enmity between the parties, coupled with the fair antecedent of the petitioners and the period of custody, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Basnahi P.S. Case No. 63 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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