

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60495 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- SONBERSHA RAJ District- Saharsa

1. Kailash Keshri @ Kailash Kesri S/o- Late Bindeshwari Kesri Village- Tamkulha ward No 7, PS -Sonbarsa Raj, Dist- Saharsa
2. Nawas Keshri @ Niwas Keshri @ Niwash Keshri @ Nawash Keshri son of Late Bindeshwari Kesri Village- Tamkulha ward No 7, PS -Sonbarsa Raj, Dist- Saharsa
3. Roshan Keshri @ Roshan Kumar @ Roshan Kesri son of Kailash Keshri @ Kailash Kesri Village- Tamkulha ward No 7, PS -Sonbarsa Raj, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Amarnath Jha, learned counsel for the petitioners and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonbersa Raj P.S. Case No. 32 of 2024, F.I.R. dated 20.02.2024 for the offences punishable under Sections 341, 323, 354(B), 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, when the informant was indulged in construction work in his land, in the meantime, all the accused persons came there and started throwing the



materials and also abused him. On protest they assaulted the informant and when the wife of the petitioner came to save him they tried to outrage her modesty.

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 from a bare perusal of the FIR it appears that there is no specific allegation against these petitioners and due to admitted land dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that the date of occurrence as alleged in the FIR is 11.02.2024 but the present FIR has been instituted on 20.02.2024 after a delay of 9 days. He further submits that although the informant, namely, Narad Yadav has received the injury but the injury report of the informant suggests that the injury is simple in nature caused by the hard and blunt substance.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent, there is no specific allegation of any



assault or overt act attributed against the petitioners and injury inflicted upon the injured person is 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa in connection with Sonbarsa Raj P.S. Case No. 32 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 bonds 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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