

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66076 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- MADHAURAH District- Saran

1. RAJNATH DAS SON OF HULI DAS VILLAGE- SOURAHIMPUR, PS-MARHOWRAH, DIST- SARAN AT CHAPRA
2. SHRAWAN DAS SON OF HULI DAS VILLAGE- SOURAHIMPUR, PS-MARHOWRAH, DIST- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Marhowrah P.S. Case No. 221 of 2023 registered under Sections 447, 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code lodged on 01.05.2023 by the informant, Uma Devi.

3. As per the prosecution story, the lady informant, Uma Devi has alleged that due to land dispute, her husband's brother assaulted *inasmuch* as the petitioner no.1 gave '*iron rod*' blow on the head whereas the petitioner no. 2 gave '*paddle*' blow again on the head causing injury. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that earlier a co-ordinate Bench of this Court had asked for a case diary and injury report which are on record.

5. Learned APP for the State has gone through the injury report and as per the supplementary report dated 09.12.2023, the injury has been found to be simple in nature.

6. Learned counsel for the petitioners submit that since the informant is their sister-in-law, irrespective of the outcome of the present case in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

7. Taking into account the submissions put forward by the parties as also the injury has been found to be simple in nature in the supplementary report of the Medical Officer, both the petitioners do not have criminal antecedent, the matter arises out of land dispute and they are family members, this Court is inclined to grant him privilege of bail, subject to payment of Rs. 5000/- each to be paid to the informant, Uma



Devi, as stated above.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 221 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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