

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78921 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- BITHAN District- Samastipur

1. Kailash Tanti @ Kailash Chaupal S/O Lakshmi Tanti @ Lakshmi Chaupal Village- Dharharba, Ps. Bithan, Dist. Samastipur
2. Braham Tanti @ Braham Chaupal S/O Lakshmi Tanti @ Lakshmi Chaupal Village- Dharharba, Ps. Bithan, Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Bithan P.S. Case No. 80 of 2023, lodged on 24.06.2023 under
Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal
Code.

3. As per the prosecution case, FIR has been lodged
against five named accused persons including the present
petitioners against whom there is an allegation that they have
assaulted the informant and his family members with *lathi* and
iron rod.

4. Learned counsel for the petitioners submit that the



petitioners are innocent and have committed no offence. Counsel also submits that the reason for filing the FIR is due to cleaning the lane in which both the petitioner and the informant are residing. Counsel further submits that both petitioner and the informant are resident of the same *mohalla* and are well known to each other. Counsel submits that for the purpose of cleaning the lane, the present dispute has occurred and the injury has taken place by the said scuffling. Counsel submits that neither petitioners nor the informant are criminals.

5. Learned counsel for the petitioners submits that the criminal antecedent of the petitioners are not clean and there is one criminal case pending against the petitioner no.1 in which he is on bail and there are two criminal cases pending against the petitioner no.2 in which he is on bail. The petitioners are in custody since 25.06.2023 in the present case. Counsel also submits that charge-sheet has already been submitted in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail, but only after framing of charge, if**



not framed on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Rosera (Samastipur) in connection with Bithan P.S. Case No. 80 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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