

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66361 of 2023

Arising Out of PS. Case No.-464 Year-2023 Thana- BANKA District- Banka

-
1. Chandan Sah Son of Ram Sah Resident of Village-Simrakura, Police Station-Banka, District-Banka.
 2. Vishnu Sah @ Vishnu Saw Father's name not given Resident of Village-Simrakura, Police Station-Banka, District-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75477 of 2023

Arising Out of PS. Case No.-464 Year-2023 Thana- BANKA District- Banka

-
1. Bhola Sah S/O Late Budhu Sah R/O Village- Simrakura, P.O- Baliyamahra, P.S- Banka, Distt.- Banka.
 2. Kishori Sah S/O Late Budhu Sah R/O Village- Simrakura, P.O- Baliyamahra, P.S- Banka, Distt.- Banka.
 3. Mantoo Sah S/O Late Budhu Sah R/O Village- Simrakura, P.O- Baliyamahra, P.S- Banka, Distt.- Banka.
 4. Rajkumar Sah S/O Late Budhu Sah R/O Village- Simrakura, P.O- Baliyamahra, P.S- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 66361 of 2023)
For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 75477 of 2023)
For the Petitioner/s : Mr.Piyush Saurav, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER



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

2. In the present case, the petitioners are apprehending their arrest in connection with Banka P.S. Case No. 464 of 2023, registered on 08.07.2023 for the offences under Sections 143, 149, 341, 323, 324, 448, 307, 379 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute the petitioners assaulted the informant and his family members with iron rod, axe and spear causing a number of injuries to the victims. They also took away Rs.1,52,000/- in cash, silver ornaments and mobile phones.

4. Learned counsels appearing on behalf of the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. Petitioner Bhola Sah has lodged Banka P.S. Case No. 465 of 2023 for the offences under Sections 307, 143, 149, 341, 323, 324 of the Indian Penal Code wherein the informant side assaulted the petitioners and others causing serious injury to them and for this there is no explanation. It shows that the informant side is aggressor. Admittedly there is land dispute and both sides are agnates. The informant side tried to forcibly irrigate the land and free fight



ensued between the parties and there is case and counter case and both the parties have received injuries. Learned counsels further submit that the injury reports show simple injuries on all the victims except injury on the person of Ganesh Sah which is stated to be grievous. All victims received lacerated injury and there is no corresponding injury of assault by spear or axe. The petitioners are having criminal antecedent of one case.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury which do not correspond to assault by axe and spear and further considering the case and counter case between the parties, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court in connection with Banka P.S. Case No. 464 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following



conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

