

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79177 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- KATEYA District- Gopalganj

1. Ramjanak Singh @ Ramjanak Kushwaha @ Janak Bhagat Son of Late Narayan Singh Resident of Village- Patohawa, P.S.- Kateya, District- Gopalganj (Bihar)
2. Vinod Kushwaha Son of Basath Kushwaha @ Barath Kushwaha Resident of Village- Patohawa, P.S.- Kateya, District- Gopalganj (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Ms.Sharda Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Kateya P.S. Case No. 238 of 2024 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the IPC lodged on 22.05.2024 by the informant, Lalji Singh.

3. As per the prosecution story, the informant alleged that on the point of implanting bushes over the disputed land the scuffle took place and allegation is that Munnilal Kushwaha gave bamboo blow over the face of the informant, Kanhaiya Kushwaha gave head injury to Bhardul Kushwaha with bamboo, Vikram Kushawaha assaulted Rameshwar Kushwaha while Kamlesh Kushwaha and Munnilal Kushwaha assaulted Lalita Devi, as the villagers assembled, they escape. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that a bare perusal of the FIR would show that specific allegation has



been made against Munnilal Kushwaha, Kanhaiya Kushwaha, Vikram Kushawaha and Kamlesh Kushwaha. Though, they have been named in the FIR, no role has been assigned. Further, they are in custody immediately after the occurrence took place (23.06.2024) but has been wrongly recorded in the learned Sessions Judge's order as 19.07.2024). This fact has been mentioned in para-24 of the petition.

5. Learned APP opposes the prayer submitting that a number of people have been assaulted by the informant's side and they are named in the FIR.

6. Taking into account the submissions put forward by the parties as also the fact that though they are named, the fact remains that the specific allegation has been made against Munnilal Kushwaha, Kanhaiya Kushwaha, Vikram Kushawaha and Kamlesh Kushwaha, as per para-3, they do not have criminal antecedent and are in custody since 23.06.2024, in that background, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj in



connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show his 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 month for next six months to mark their 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 the 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 their bail bonds.

(Rajiv Roy, J)

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