

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82304 of 2023

Arising Out of PS. Case No.-190 Year-2023 Thana- BAUNSI District- Banka

1. Chhotelal Hembram, Son Of Late Sitaram Hembram, R/O Village- Ambona, P.S.- Bounsi, Dist.- Banka
2. Karmu Hembram, Son Of Late Sitaram Hembram, R/O Village- Ambona, P.S.- Bounsi, Dist.- Banka
3. Denamuni Murmu, Wife Of Chhotelal Hembram, R/O Village- Ambona, P.S.- Bounsi, Dist.- Banka
4. Shiv Hembram, Son Of Karmu Hembram, R/O Village- Ambona, P.S.- Bounsi, Dist.- Banka
5. Rijhu Hembram, Son of Late Churka Hembram, R/O Village- Ambona, P.S.- Bounsi, Dist.- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bounsi P.S. Case No. 190 of 2023 registered for the alleged offences under Sections 341, 323, 307, 385, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his family members with *lathi danda*, iron rod and bricks causing injuries



to the victims.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The land dispute is admitted in the FIR. The scuffle took place in the background of land dispute and there is counter version to this case as the petitioner no.1, namely, Chhotelal Hembram lodged Bounsi P.S. Case No.191 of 2023 under Sections 341, 323, 325, 504 and 506/34 of the Indian Penal Code against the informant's side. There is no specific allegation against the petitioners and the alleged injuries are simple in nature. There was no intention to cause death and it is also obvious from the nature of injury and the fact that there was no repetition of blow on any vital parts. The petitioners have got no criminal history.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and simple nature of injuries, 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 bond



of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Bounsi P.S. Case No. 190 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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