

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81592 of 2023**

Arising Out of PS. Case No.-123 Year-2023 Thana- DIGHALBANK District-
Kishanganj

- =====
1. SABBIR ALAM S/O LATE SAMSUDDIN VILLAGE- DAHIBHAT, WARD NO. 09, PS. DIGHABANK, DIST.KISHANGANJ
 2. ROSHAN ARA W/O SABBIR ALAM VILLAGE- DAHIBHAT, WARD NO. 09, PS. DIGHABANK, DIST.KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
Mr. Diwakar Sinha, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Pankaj Kumar Sinha, learned counsel for the

petitioners and Mr. Binod Kumar, learned A.P.P. for the State as

well as learned counsel appearing for the informant.

The petitioners apprehend their arrest in connection
with Dighalbank P.S. Case No.123 of 2023 dated 01.08.2023
registered for the offence under Sections 341, 323, 324, 504, 506
and 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the
informant with weapon on his head and his family members
leading to injuries on account of a land dispute

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated



in this case. He further submits that there is case and counter case between the parties. He further submits that as per the allegation as alleged in the F.I.R, the petitioners are own brother of the informant and there is admitted land dispute between them and due to land dispute, the present occurrence has taken place. He further submits that although the injured received injury but the same is simple in nature, according to the injury report.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they have assaulted the family members of the informant and the petitioner No.1 assaulted the son of the informant but the injury sustained by the victim is simple in nature.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Kishanganj in connection with Dighalbank P.S. Case No. 123 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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