

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73462 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- Manikpur District- Lakhisarai

- 1. Awdhesh Sao S/o Late Darogi Sao R/o Village- Garib Nagar, P.S- Manikpur, Distt.- Lakhisarai.
- 2. Bideshi Sao @ Arjun Sao S/o Laxami Sao R/o Village- Garib Nagar, P.S- Manikpur, Distt.- Lakhisarai.
- 3. Sachin Kumar S/o Awdhesh Sao R/o Village- Garib Nagar, P.S- Manikpur, Distt.- Lakhisarai.
- 4. Akhileshwar Sao @ Akhilesh Kumar S/o Laxami Sao R/o Village- Garib Nagar, P.S- Manikpur, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 75137 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- Manikpur District- Lakhisarai

- 1. Rita Devi W/o Awadesh Sao @ Awdhesh Sao R/o Village- Garaib Nagar, P.S- Manikpur, Distt.- Lakhisarai.
- 2. Anjali Devi W/o Bideshi Sao R/o Village- Garaib Nagar, P.S- Manikpur, Distt.- Lakhisarai.
- 3. Santanma Devi @ Santono Devi @ Santano Devi W/o Laxami Sao R/o Village- Garaib Nagar, P.S- Manikpur, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 73462 of 2024)
For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
For the Informant : Mr. Mayank Bilochan, Advocate
(In CRIMINAL MISCELLANEOUS No. 75137 of 2024)
For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
For the Informant : Mr. Mayank Bilochan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER



3 29-01-2025

Heard Mr. Sunil Kumar Yadav, learned counsel for the petitioners, Mr. Mayank Bilochan, learned counsel appearing on behalf of the informant as well as Mr. Shailendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Manikpur P.S. Case No. 75 of 2024, F.I.R. dated 16.07.2024 for the offences punishable under Sections 191 (2), 191 (3), 190, 303 (2), 109, 352 and 3(5) of Bhartiya Nyaya Sanhita.

3. According to prosecution case, all these petitioners armed with sticks, spades, bricks and iron rods have assaulted the informant and her family members over a petty land dispute due to which informant's brother-in-law, Chandan Kumar and Suresh Sao suffered head injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is admitted land dispute and case and counter case between the parties. He further submits that there is specific allegation that these petitioners that they have assaulted the informant side but both the sides have



sustained injuries and the injury report of the injured person suggests that the injuries are simple in nature. It also appears from the injury report of the Khusbant Kumar, Seema Kumari and Chandan Kumar that the injury received by them are grievous in nature but the injuries inflicted are on their wrist which is not a vital part of the body.

5. The learned counsel appearing on behalf of the informant as well as Learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties, due to admitted land dispute the present occurrence has taken place and the injuries inflicted upon the injured persons are not on the vital part of the body, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Lakhisarai in connection with Manikpur P.S. Case No. 75 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /



Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

- i. 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 cancelled by the Court below.
- ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioners 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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