

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42693 of 2014

Arising Out of PS.Case No. -68 Year- 2014 Thana -SAHIYARA District- SITAMARHI

- =====
1. Akhileshwar Sah S/o Muni Lal Sah
 2. Mukesh Sah S/o Akileshwar Sah Both residents of village - Moudah,
P.S. - Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 16-04-2015 Heard learned counsel for the petitioners as well as

learned counsel for the State.

In this application for anticipatory bail the petitioners
apprehend their arrest for the offences punishable under sections
147, 148, 149, 341, 323, 307, 379 and 504 of the I.P.C.

Allegation against petitioner no.1 is that he assaulted
the informant with farsa but in the meantime younger son of the
informant, namely, Dinesh Mahto arrived to save the informant
and slept over on the body of the informant as a result of which on
the head of younger son of the informant injury was caused by
farsa and against petitioner no.2 there is no specific allegation for
committing any overtact.

Submission is that on the person of younger son of the

informant Dinesh Mahto injury has been found caused by hard and blunt substance and the nature of injury is simple vide Annexure-3. There is case and counter case and due to that this case has been lodged. No offence under section 307 I.P.C. is made out and the allegation under section 379 I.P.C. is super addition. After investigation not even single witnesses have supported the prosecution case.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above, considering that the injuries on the person of Dinesh Mahto has been found to be caused by hard and blunt substance and simple in nature for which petitioner no.1 is responsible and against petitioner no.2 nothing has been alleged and as such both the petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Sitamarhi in Sahiyara P.S. Case No. 68 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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