

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45994 of 2015

Arising Out of PS.Case No. -240 Year- 2015 Thana -KARGAHAR District- SASARAM (ROHTAS)

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1. Bishwanath Sah, son of Late Khedan Sah
 2. Rakesh Sah, son of Bishwanath Sah
 3. Sukhari Sah, son of Bishwanath Sah
 4. Shiojee Sah, son of Late Bikarama Sah
 5. Sonu Sah, son of Late Bikarama Sah
 6. Radhey Shyam Sah, son of Gopal Sah All resident of Village: Pipara (Mardan Rai Ke), P.S: Kargahar, District: Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Adv.
For the Opposite Party/s : Mr. R.P.S.Singh(App)
For the informant : Mr. Subhash Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard Mr. Bikramdeo Singh, learned counsel for the petitioners and Mr. Subhash Kumar, learned counsel for the informant as also perused the injury report produced by the learned counsel for the informant.

Having regard to the nature of allegation for offence under sections 341, 323, 307, 504/34 of the Indian Penal Code and the admitted position that there was only one injury on the father of the informant, namely, Jaygobind Sah, which was capable of being caused by co-accused Hare Ram Sah, who as per F.I.R. has assaulted him by iron rod and that the doctor has also found only one injury by way of lacerated wound with the dimension of



4.0x0.6x3.0 cm. on the fronto parietal region, this Court by taking into account that there is only an omnibus allegation of assault, which is also not substantiated in form of injury on the father of the informant would find the petitioners to be entitled for privilege of anticipatory bail keeping in view that none of the petitioners have also got any criminal antecedent.

That being so, if the petitioners, namely, 1. Bishwanath Sah, 2. Rakesh Sah, 3. Sukhari Sah, 4. Shiojee Sah, 5. Sonu Sah and 6. Radhey Shyam Sah, surrender before the court below within a period of four weeks from today, they shall 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 Chief Judicial Magistrate, Rohtas in Kargahar P.S. Case No. 240/2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any

change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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