

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33987 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -NAUHATTA District- SAHARSA

- =====
1. Shivaji Pashi @ Shivjee Pashi
 2. Koko Pashi @ Narayan Pashi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. M.Rub(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section

The prosecution case is that the accused persons surrounded and assaulted the informant. It is alleged against petitioner no.1 Shivjee Pashi that he assaulted with Pijona (lathi like substance) on the head of the informant whereas petitioner no.2 Koko Pashi assaulted on the back of the informant with 'lathi'.

It is submitted by learned counsel for the petitioners that though injury has been found on the head of the informant but it is alleged that other associates also assaulted the informant but no injury has been found caused on the back of the informant whereas petitioner no.2 alleged to have assaulted on the back of the

informant.

Considering the fact that the accusation is specific against petitioner no.1 Shivaji @ Shivjee Pashi and with regard to nature of injury caused opinion has been reserved, this Court is not inclined to grant anticipatory bail to him. Let the learned court below consider the prayer for regular bail of petitioner no.1, if he surrenders within a period of six weeks, keeping in view of the fact there is no accusation of repeating the blow and he has no criminal antecedent, a statement to that effect has been made in paragraph 3 of the petition.

Since accusation against petitioner no.2 has not been corroborated by medical opinion, let petitioner Koko Pashi @ Narayan Pashi be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No.98 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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