

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51531 of 2015

Arising Out of PS.Case No. -261 Year- 2015 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Nagina Sah Son of Late Tilak Sah
2. Shambhu Sah @ Shambhu Kumar Sah Son of Nagina Sah
3. Shankar Sah @ Shankar Kumar Sah Son of Nagina Sah
All are residents of village - Behat Kabirchak, P.S. Sadar, District -
Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 10-11-2015 Heard Mr. Shukla for the petitioners and the APP for the
State.

After some arguments, Counsel for the petitioners seeks
permission of the Court to withdraw the application so far
petitioner no. 1 is concerned.

Prayer is allowed.

The application, so far petitioner no. 1 Nagina Sah is
concerned, is dismissed as withdrawn.

The other two petitioners are son of Nagina Sah. On
10.6.2015, the occurrence is said to have taken place. There are
two version of the occurrence. The first version was lodged by the
co-accused Nagina Sah and the second one is the present one in

which the allegation is that the petitioners fisted and slapped the informant whereas co-accused Nagina Sah gave knife blow in the abdomen. The charge is, therefore, under section 307 IPC.

Contention of the petitioners is that the case has been lodged belatedly as a defence. The prosecution side had actually assaulted the petitioners and their mother for which F.I.R. was lodged at least two days earlier to the present one vide Annexure-2. There is no allegation of causing injury to the informant. The allegation of causing injury to the informant is attributed to co-accused Nagina Sah. The petitioners have no criminal antecedent.

Considering the above, in the event of arrest or surrender in the Court below within five weeks, the petitioner nos. 2 and 3 abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in Sadar P.S. Case No. 261 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case

of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

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