

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1557 of 2016

Arising Out of PS.Case No. -232 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sunil Sah Son of Munni Sah Resident of Village-Benipur, Po and P.s
Kesaria, District East champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 13-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 147, 148, 341, 323, 324,
307, 354, 379, 504, and 506 of the Indian Penal Code.

The prosecution case is that six accused persons,
including the petitioner, came at the door of informant and started
abusing his parents. Omdhani Sah gave Farsa blow on the head of
the father of the informant causing bleeding injury. Wife of
Harendra Sah and Nitu Kumari assaulted his mother and pulled
her clothes. Rajesh Kumar assaulted the mother of informant on
her private parts causing bleeding injury and when the brother of
informant, Dilip Kumar, came to rescue Munilal Sah and this

petitioner assaulted him with Lathi and iron rod. It is also alleged that this petitioner and Rajesh Sah took away Rs. 10,000/- cash and jewellery worth Rs. 50,000/-.

It is submitted by the learned counsel for the petitioner that petitioner is neighbour of the informant and due to petty dispute the accusation has been made. The petitioner is alleged to have assaulted Dilip Kumar but he has not been medically examined. Statement in this regard has been made in paragraph 7 of the petition, which reads as follows:-

7. It is relevant to assert here that the allegation against the petitioner Sunil Sah, who assaulted Dilip Kumar with lathi, but he has not been examined by doctor as such the offence comes under the purview of section 323 IPC, which is bailable. Further allegation of theft against the petitioner is super addition and false."

There is counter version also.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for two months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st class, Motihari, East Champaran in connection with Kesaria P.S. Case No. 232 of 2015, subject to the conditions as laid down under

Section 438(2) Cr.P.C.

The provisional bail of the petitioner shall be confirmed by the learned court below on verification of the fact that Dilip Kumar has not received any injury but if it is found that Dilip Kumar has received injury, then the petitioner shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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