

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16457 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -BELA District- SITAMARHI

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1. Baidyanath Sah Son of Late Fauzdar Sah R/o Village Vishnupur, P.S.
Bela, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. R.S. Chaudhary (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-05-2016

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 341, 323, 324, 504, 506, 379/34 of the Indian Penal Code.

The informant alleged that petitioner along with two
other accused persons brutally assaulted him and when his two
sons came to save the accused persons also assaulted them.

Learned counsel for the petitioner submits that
petitioner is uncle of co-accused, Ashok Kumar Gupta, who has
already been granted anticipatory bail vide order passed in Cr.
Misc. No. 57386 of 2015.

It appears that the informant alleged that he was also
assaulted by the petitioner and others and when his sons came to
rescue they were also brutally assaulted by the petitioner and

others and one of the sons of informant, Amit Kumar Gupta, got fracture injury in his hand. It also appears that anticipatory bail petition of Vishwanath Sah, one of the co-accused, was rejected vide order passed in Cr. Misc. No. 14132 of 2016 thereafter another accused was granted anticipatory bail.

Considering the fact that petitioner also assaulted the informant and his two sons with Lathi, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender in the court below, i.e., Sri Kumar Dhirendra Rajaji, learned Judicial Magistrate, 1st class, Sitamarhi in Bela P.S. case No. 153/2015, and the court below shall consider the prayer for regular bail and dispose of the same, preferably, on the same day taking into consideration that co-accused Ashok Kumar Gupta has been granted anticipatory bail by this court and co-accused Vishwanath Sah has been granted bail by the court below itself, without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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