

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28261 of 2016

Arising Out of PS.Case No. -413 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

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Amit Sah @ Amit Kumar Sah son of Manager Sah, Residents of Village-
Dhanauti Math, P.S.- Dhanauti O.P., District- Siwan.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 26-07-2016 Heard Sri Bijay Prakash Singh, learned counsel for the
petitioner and Sri Damodar Pd. Tiwary, learned A.P.P.

The sole petitioner, apprehending his arrest in
connection with Siwan (M) Dhanauti O.P. P.S. Case No. 413 of
2015 registered for the offence under section 307 and other allied
sections of the Indian Penal Code, has prayed for grant of
anticipatory bail.

It was submitted by learned counsel for the petitioner
that in the F.I.R. it has been alleged that occurrence had taken



place on 2.10.2015 however without any rhyme and reason in the present case F.I.R. was lodged on 10.10.2015 i.e. after eight days from the date of occurrence. He further submits that informant side of the present case were aggressors and they had assaulted petitioner's side thereafter the mother of the petitioner had lodged an F.I.R. vide Mufassil (Dhanauti) P.S. Case No. 400 of 2015 on 2.10.2015 for the offences under section 341, 323, 325, 337, 506/ 34 of the Indian Penal Code. He submits that both the informant and the petitioner's side are neighbours and due to some trivial dispute occurrence had taken place in which petitioner's side had received injuries and thereafter from petitioner's side initially a case was filed.

Learned A.P.P. by way of referring to the F.I.R. submits that there is specific accusation against the petitioner that he gave blow from back side of the axe on the head of the son of the informant. He submits that since there is specific accusation against the petitioner he may not be extended the privilege of anticipatory bail.

Fact remains that from petitioner's side an F.I.R. was lodged earlier as indicated in paragraph no. 6 of the petition and secondly in the present case after eight days of the alleged occurrence F.I.R. was lodged. In the facts and circumstances the

court considers that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Amit Sah @ Amit Kumar Sah be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan / concerned court in connection with Siwan (M) Dhanauti O.P. P.S. Case No. 413 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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