

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37048 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -NIRMALI District- SUPAUL

=====

Shiv Shankar Sah, Son of Ghuran Sah, Resident of village- Majhari, Police
Station- Nirmali, District- Supaul. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 19-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nirmali P.S. Case No. 38 of 2016, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307 and 354A of the Indian Penal Code.

There are altogether 10 persons named in the First Information Report including this petitioner, out of whom, some of them have been granted anticipatory bail by the court below. The allegation against the petitioner is of giving a blow with Dabia, which hit the eye of the husband of the informant. It is alleged in the First Information Report that the petitioner had aimed at the stomach of the informant's husband, who was causing assault by Dabia (sharp cutting weapon) but luckily, he missed the target and hit the thigh of the informant's husband.

Learned counsel appearing on behalf of the petitioner has submitted that civil dispute between the parties is pending inasmuch as Title Appeal is pending between the parties.

Considering the above facts and statement in paragraph 3 of the application that the petitioner has no criminal antecedent, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Birpur (Supaul) in connection with Nirmali P.S. Case No. 38 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--