

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41504 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -AURAI District- MUZAFFARPUR

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1. BASKIT SAH Son of Late Ramfal Sah
2. Mukesh Sah Son of Baskit Sah Both Resident of village - Chandwara,
P.S. Aurai, District - Muzaffarpur

.... 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 : Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,325,307,379 and 380/34 of the Indian Penal Code.

The prosecution case is that the petitioners and two others came to the house of the informant on 2.2.2016 at 9 A.M. and started abusing the informant. It is alleged that on the order of co accused Sudish Sah, the accused persons assaulted the informant with fists and thereafter petitioner no. 1 Baskit Sah and co accused Sudish Sah assaulted with lathi to the informant. Petitioner no. 1 assaulted the informant with lathi causing fracture injury, thereafter co accused Naresh Sah assaulted with fists on the

nose and mouth of the informant. It is also alleged that petitioner no. 2 snatched gold chain and co accused Naresh Sah took eleven thousand rupees from the informant.

It is submitted by the learned counsel for the petitioners that the accusation has been levelled in the background of enmity of the petitioners with their brother Bhutta Sah who used to work for the informant and Title Suit No. 569 of 2012 is pending between the petitioners and their brother Bhutta Sah. Statement has been made in paragraph 10 of the petition that the informant has never been examined by the doctor which reads as follows:

“That, it is stated that according to the First Information Report, Informant himself stated that all the accused persons have been brutally assaulted, but the Doctor had not found any injury.”

It is further submitted that there is no injury report on record. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners 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 four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur

in connection with Aurai P.S. Case No.99 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional anticipatory bail will be confirmed by the learned court below if it is found that no grievous injury has been received by the informant and if it is found that the informant has received grievous injury, in that eventuality, the petitioners shall surrender and pray for bail.

(Dinesh Kumar Singh, J)

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