

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37843 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -KHANPUR District- SAMASTIPUR

- =====
1. Lakhan Sah @ Ram Lakhan Sah S/o late Sukhan Sah
 2. Maheshwar Sah s/o late Bachhu Sah
 3. Surendra Sah S/o Ram Lakhan Sah All Resident of Village- Siraul, P.S. Khanpur, District Samastipur,.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-10-2016 Heard both sides.

Petitioner nos. 1 and 3 apprehend their arrest in Khanpur P.S. Case No. 61/2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

Asha Devi, the informant alleged that a dispute with regard to land arose between Pramod Shah and Lakhan Shah on 22.06.2016. She went to settle the dispute with her husband to the door of Pramod Shah but Lakhan Shah, Vinod Shah and Maheshwar Shah abused and threatened the informant and for that the informant and her husband informed the police officer. While she was returning, Lakhan Shah gave iron blow on the head of her

husband Vimlesh Shah. Vinod Shah also gave blow with dab on the head of her husband. Maheshwar Shah also assaulted the husband of the informant with rod. Surendra Shah is alleged to have assaulted the informant.

Learned counsel for the petitioner submits that the occurrence is said to have taken place on 22.06.2016 but the FIR was lodged on 23.06.2016. The informant did not disclose as to where her husband was treated. There is another version of the occurrence being Khanur P.S. Case No. 60/2016 which was lodged by Sangeeta Devi, wife of Pramod Shah. It is further submitted that Vimlesh Shah made statement before the police officer while he was under treatment in Patna and the same was received by the Khanpur P.S. Vimlesh Shah did not disclose that the petitioners assaulted him, but from perusal of the FIR and the case diary, it appears that the informant made allegation that Lakhan Shah, Vinod Shah and Maheshwar Shah surrounded her husband and Lakhan Shah assaulted him with iron rod and Vinod Shah assaulted her husband with dab on his head. The doctor found two injuries which appears from para 15 of the supplementary case diary. Injury no. 1 is grievous in nature as haematoma under temporal parietal region was found and Lakhan Shah is the author of the aforesaid injury.

Considering the facts aforesaid, I am not inclined to enlarge Petitioner no. 1 Lakhan Shah above named on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Surendra Shah, Petitioner no. 3 is concerned, he is not the assailant of the husband of the informant. Surendra Shah is said to have assaulted the informant but no injury is found on the body of the informant.

Considering the facts aforesaid, Petitioner no. 3 above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Khanpur P.S. Case No. 61 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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