

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45002 of 2017

Arising Out of PS.Case No. -214 Year- 2017 Thana -BHORE District- GOPALGANJ

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1. Umesh Sah, son of Bhagwat Sah,
2. Indu Devi, Wife of Umesh Sah,
3. Brajesh Sah alias Brajesh Kumar Son of Umesh Sah.
4. Ankush Kumar, son of Umesh Sah.
5. Budhai Rajbhar, Son of Late Bijali Rajbhar, All are of resident of Village- Bharpatiya, Police Station- Bhorey, District- Gopalganj. At present resident of Village- Bantariya, Police Station- Bhorey, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the informant : Mr. Ganpati Trivedi, Sr. Adv.
Mr. Madan Mohan, Adv.
Mrs. Pallavi Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bhorey P.S. Case No. 214 of 2017 instituted for the offence under Section-307 & other minor Sections of the Indian Penal Code.

As per allegation in the written report, there is specific allegation against the petitioner No. 4 of assaulting the husband of the informant on nose with Dab, causing serious injury. The allegation against other petitioners is general and omnibus in nature.

The case diary has been received wherein the doctor has said the injury No. 1 to be simple in nature.

During hearing of the bail petition, counsel for the



informant has produced CT scan report of the injured, Sachidanand Sah, husband of the informant wherein the doctor has found intraparenchymal haemorrhage seen in right basal ganglia with intraventricular extension into bilateral lateral ventricles. It appears that serious injury was caused to husband of the informant with Dabia. The doctor has mentioned the injury to be simple in nature.

In such circumstances, the Civil Surgeon, Gopalganj is directed to take action against Dr. Aurangzeb Khan who has issued such injury report with respect to injured Sachidanand Sah and inform this court within a month about the steps, taken by him.

Therefore, considering the allegation levelled against petitioner No. 4, this court is not inclined to grant anticipatory bail to him. Accordingly, prayer for anticipatory bail of petitioner No. 4 is rejected.

The petitioner No. 4 is directed to surrender in the court below and seek regular bail which will be considered by the court below on its own merit without being prejudiced by this order.

So far as rest petitioners are concerned, there is general and omnibus allegation against them.

Accordingly, prayer for anticipatory bail of rest petitioners is allowed and it is ordered that the petitioner Nos. 1, 2, 3 & 5 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each in connection with Bhorey P.S. Case No. 214 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Gopalganj subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 1, 2, 3 & 5 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner Nos. 1, 2, 3 & 5 and (3) if petitioner Nos. 1, 2, 3 & 5 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 1, 2, 3 & 5.

(Sanjay Priya, J)

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