

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30005 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -BATHNAHA District- SITAMARHI

- =====
1. Manoj Sah.
2. Pramod Sah. Both Sons of Bilat Sah, resident of Village- Ranauli, Police Station- Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bathnaha P.S. Case No. 51 of 2017 instituted for the offence under Sections-354, 307 & other minor Sections of the Indian Penal Code.

It has been submitted that both parties are agnates. The offence has taken place for throwing garbage. As per written report, the petitioner No. 2 assaulted the informant with lathi on the head and petitioner No. 1 assaulted the informant with knife causing injury in left hand.

C.D. has been received wherein the injury report is available. The doctor has found injury Nos. 2 & 3 to be simple in nature whereas; injury No. 1 found over head has been opined grievous in nature and fracture was seen in the left frontal zone.

In such circumstances, this court is not inclined to grant



anticipatory bail to petitioner No. 2 and accordingly, his prayer for anticipatory bail is rejected.

The petitioner No. 2 is directed to surrender in the court below and seeks regular bail and if, the petitioner makes prayer for anticipatory bail, the court below will consider his prayer for anticipatory bail and disposed of on same day on its own merit without being prejudiced by this order.

So far allegation against petitioner No. 1 is concerned; it is alleged that he caused injury on the hand of informant with knife. The doctor has found injury Nos. 2 & 3 on the person of informant to be simple in nature.

Therefore, prayer for anticipatory bail of petitioner No. 1 is allowed and it is ordered that the petitioner No. 1 named above in the event of his 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 Bathnaha P.S. Case No. 51 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 and (3) if petitioner tampers 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.

(Sanjay Priya, J)

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