

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38055 of 2017

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1. Bullet Sah @ Jairam Sah, S/O Hira Sah Alias Hira Lal Sah.
2. Bishal Sah Alias Veeshal Kumar Sah, S/O Hira Sah Alias Hira Lal Sah.
3. Law Kush Sah, S/O Chandrika Sah, All Resident Of Village- Bhasahi,
P.S. Manjhagarh, District- Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State Of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Informant : Mr. Sanjay Kumar Pandey, Advocate

For the State : Mrs. Veena kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners are apprehending their arrest in
Manjhagarh P.S.Case No. 63 of 2017, G.R. No. 1394 of 2017
registered for offences punishable under Sections 341, 323, 325,
307, 427, 379, 147, 148 and 149 of the Indian Penal Code.

The prosecution case as lodged on the basis of fardbeyan
of one Brajesh Kumar recorded by A.S.I., R.P. Ray of Town P.S.
at emergency ward of Sadar Hospital, Gopalganj is that on the
date of the occurrence all the petitioners having armed with Iron
rod, Farsa, knife, Axe and Lathi came and caused injury to him
and his brothers. Petitioner No.2 inflicted farsa blow over his head



and petitioner No.3, Law Kush Sah inflicted axe blow over the head of the brother of the informant.

It has been submitted by the learned counsel for the petitioners that the injury over the head of the brother of the informant Manoj Sah is against Parmeshwar Singh, who is already in custody. It is also submitted that there is an absolute allegation against the petitioner No. 1 and all the petitioners.

Learned counsel for the informant as well as learned A.P.P. opposes the prayer for bail.

On perusal of F.I.R. I find that there is no allegation against the petitioner No. 1, Bullet Sah, except that he was also present at the place of occurrence.

Having regard the facts and circumstances, the prayer of Anticipatory bail of petitioner No. 1, namely, Bullet Sah @ Jairam Sah is allowed in the event of his arrest or surrender before the Court below within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each in connection with Manjhagarh P. S. Case No. 63 of 2017, G.R. No. 1394 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj.

So far petitioner Nos. 2 and 3, namely, Bishal Sah @ Veeshal Kumar Sah and Law Kush Sah are concerned they assaulted the informant and his brother on the head. The injuries on



Manoj Sah was found grievous in nature.

So considering the grievous nature of injury, which is fracture of metacarpal bone and also assault on vital part (head), I am not inclined to grant anticipatory bail to petitioner Nos. 2 and 3 and accordingly, their prayer is rejected.

If the petitioners surrender before the Court below and pray for regular bail, their prayer shall be considered on merit on the same day without being prejudiced by the order of this Court.

(Sanjay Kumar, J)

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