

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44431 of 2017

Arising Out of PS. Case No.-69 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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1. Jawahar Sah Son of Bhola Sah, null
 2. Yogi Sah Son of Baijnath Sah,
 3. Ankur Sah Son of Yogi Sah, ASll Resident of Village-Koraiya,
P.S.-Sagauli, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. SRI BINOD KUMAR 2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-10-2017 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
341,323,324,307,354,379 and 506 of the IPC.

The prosecution case is that written report of the informant
Abren Sah is to the effect that on 4.5.2017 at about 4 P.M., co-
accused Gena Sah entered into the house of the informant and
started misbehaving with the mother of the informant. On alarm
being raised by the mother of informant, he rushed to the place
and caught hold of co accused Gena Sah and Bhola Sah, upon
which the petitioners Jawahar Sah, Yogi Sah and Ankur Sah
came armed with lathi and assaulted the mother of the informant



and the informant. It is further alleged that co accused Gena Sah snatched gold chain from the neck of the informant's mother.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute the accusation has been levelled. The FIR does not suggest that the father of the informant was assaulted but during investigation, injury report of the father of the informant has also been brought on record. More over, accusation of assault is omnibus and general.

However, learned APP, after going through the case diary, submits that the mother of the informant received three injuries but the opinion with regard to the injury has been kept reserved whereas the informant and father of the informant have received superficial simple injury. Statement has been made in paragraph 3 of the petition that the petitioners are having no criminal antecedent.

Considering the nature of accusation in the background of relationship between the parties coupled with nature of injury caused, let the petitioners above named be released on provisional anticipatory bail in the event of arrest or surrender within six weeks from today on furnishing bail bond of



Rs.10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 69 of 2017 subject to the conditions laid down in section 438(2) of the Cr.P.C.

The learned court below will confirm the provisional anticipatory bail of the petitioners if final opinion with regard to the injury of the mother of the informant comes that she has not received grievous injury. In case the nature of injury of the mother of the informant is found to be grievous, the petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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