

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41904 of 2017**

Arising Out of PS.Case No. -648 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Sikendra @ Sikandar Sah @ Sikendra Sah,  
2. Kailash Sah,  
Both sons of Late Aksho Sah @ late Mohan Sah.  
3. Vikash Kumar, Son of Umesh Sah,  
All resident of village Sarahi, Ward No.3, P.S. and District- Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate.  
For the Opposite Party No. 2 : Mr. Subesh Sharma, Advocate.  
For the State : Smt. Reena Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      05-01-2018                      Learned counsel for the petitioner is permitted to make necessary correction in father's name of petitioner Nos. 1 and 2 in course of the day.

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Saharsa Sadar P.S. Case No. 648 of 2014** instituted for the offence under Sections 341, 323, 307 and 354(A)/34 of the Indian Penal Code.

It is alleged in the written report that petitioner No. 1 assaulted the wife of the informant with Khanti. It is further alleged that when informant went to save her, petitioner No. 1



assaulted him with lathi in his leg whereas petitioner Nos. 2 and 3 assaulted the informant with lathi also.

The injury report of wife of the informant has been enclosed as Annexure-3 series wherein the Doctor has found one lacerated wound over forehead.

Case diary has been received.

It is mentioned in paragraph-25 of the case diary that injured Asha Devi was not admitted in PMCH and returned from outdoor only.

It has been submitted that petitioner No. 1 and informant are own brother and there is family dispute between them.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Saharsa Sadar P.S. Case No. 648 of 2014**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri R. Choubey, the then **learned Chief Judicial Magistrate, Saharsa,**



subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond, and (3) if petitioners 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 petitioners.

**(Sanjay Priya, J)**

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