

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26877 of 2018

Arising Out of PS. Case No.-106 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

1. Arjun Sah
2. Amit Sah @ Ankit Sah
3. Deepak Sah, all are Sons of Doman Sah @ Ram Ballabh Sah, resident of Village- Mirganj, Ward No. 23, Police Station- Town, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Begusarai Town P.S. Case No.106 of 2018, registered for the offence punishable under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

As per the F.I.R., while the informant had gone to petrol pump to fill up the petrol in his scooty, the accused persons, namely, Arbind Sah, Arjun Sah, Ankit Sah and Deepak Sah came there and started assaulting him with different weapons. It is alleged that Arjun Sah has assaulted by iron rod and Ankit Sah has assaulted by *lathi*, where-after all the accused



persons dragged and brought him near to Doman Sah, who directed to kill him, where-after all the accused persons assaulted him with leg and fist, as a result of which, he became unconscious and shifted to the hospital, where he was treated by the doctor.

Learned counsel for the petitioners submits that allegation has been made against Arjun Sah and Ankit Sah to have caused injury, but the injuries are minor in nature and allegation has only been made against Deepak Sah to have assault the informant by leg and fist.

Looking to the entire facts and circumstances of the case, let the above-named petitioner no.3, namely, Deepak Sah, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusaria, in connection with Begusarai Town P.S. Case no.106 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that whenever the police will call the petitioner no.3, for the purposes of investigation and interrogation, he will remain



present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

So far the bail of petitioner nos. 1 and 2 is concerned, the same is rejected. However, if the petitioner nos. 1 and 2 surrender before the Court below within four weeks from today and pray for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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