

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74312 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- PAWANA District- Bhojpur

1. Sahid Mian Son of Late Butan Mian
2. Bhuwar Mian @ Bhwar Mian Son of Sahid Mian @ Md. Sahid Bothg
Resident of Village-Araila (Pawna),P.S. Pawna,Distt.-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Sri Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Pawna P.S. Case No. 48 of 2018, disclosing offences under Sections 341, 323, 354, 504 and 307/34 of the Indian Penal Code.

It is alleged that the informant's wife was cutting tree bark for fuel. It was objected to and the accused persons are said to have assaulted the informant's wife with an intention to kill her, causing grievous injury.

Learned counsel, appearing on behalf of the petitioners, however, submits that the tree from which the informant's wife was cutting bark, did not belong to the informant, rather to the accused persons. He also submits that, in any view of the matter, since the injury has been found to be simple in nature, addition of Section 307 of the IPC is superfluous. He further submits that there is a counter version



of the same occurrence, based on which Pawna P.S. Case No. 49 of 2018 has been registered.

Considering the aforesaid submission, and the facts and circumstances of the case, this application is allowed. Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned ACJM, Bhojpur in Pawna P.S. Case No. 48 of 2018, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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