

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66170 of 2018

Arising Out of PS.Case No. -113 Year- 2018 Thana -PATEPUR District- VAISHALI(HAJIPUR)

Suresh Sah @ Suresh Prasad, S/O Ram Ashish Sah of Village-Ramauli, P.S. Patepur, District-Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bal Mukund Prasad Sinha, Advocate.

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 323, 341, 380, 427, 504, 506, 324 and 307 of the IPC.

The prosecution story, in brief, is that on 01.07.2018 the informant Neelam Devi was sleeping in her house. At about 11.30 A.M., co-accused Ramashish Sah, Suresh Sah (petitioner), and Sunil Sah entered into her house. Suresh Sah (petitioner) with intention to kill her, assaulted with *Dabia* on her head causing cut injury. Co-accused Jai Kishun Sah thrown down her on the ground and clambered upon her and assaulted with Iron rod on her thigh causing injury. On alarm raised by the informant, her husband and



son came. Suresh Sah (petitioner), Jai Kishun Sah snatched gold chain from them. It is also alleged that the accused are criminals and there is also land dispute between the parties.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place in course of occurrence. There is also land dispute pending between the parties. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-X, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 113 of 2018,



subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

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(Sudhir Singh, J)

