

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24531 of 2018

Arising Out of PS. Case No.-473 Year-2016 Thana- BANKA District- Banka

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1. Shyam Sunder Sah, S/o Late Deo Narayan Sah,
2. Niranjana Sah S/o Late Ribu Sah,
Both R/o Vill.- Ekoriya, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No. 473 of 2016 registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 307, 504, 506 of the Indian Penal Code.

Allegedly, the petitioner no. 1 assaulted the informant with Garasa on his head resulting, he became injured and fell down and then the petitioner no. 2 again assaulted the informant with Lathi and Iron rod causing injury and when Sunil Kumar, the brother of informant, came for rescue then co-accused Narad Sah and the petitioner no. 1 Shyam Sundar Sah assaulted him with lathi and danda.

Submission is of false implication and that due to



Panchayat election the occurrence has taken place. This is a case of simple assault, both parties sustained injuries and due to political rivalry the occurrence has taken place. There is case and counter case bearing Banka P.S. Case No. 479 of 2017 was registered under Sections 147, 149, 447, 341, 323, 308 and 504 of the Indian Penal Code wherein co-accused Narad Prasad Sah received injuries. The petitioners have got no criminal antecedent and deserve anticipatory bail.

Learned A.P.P. opposes the prayer of pre-arrest bail by submitting that on frontal region of head of informant injury found has been noticed as serious caused by sharp and heavy object and rest two injuries are simple in nature and as such petitioner no. 1 does not deserve pre-arrest bail.

In the fact and circumstances stated above, considering the injury report, I am not inclined to grant privilege of pre-arrest bail to petitioner no. 1 Shyam Sunder Sah and accordingly, his such prayer stands rejected.

So far as petitioner no. 2 is concerned, considering the allegation and injury, the petitioner no. 2 above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief judicial Magistrate, Banka in connection with Banka P.S. Case No. 473 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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