

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11637 of 2018

Arising Out of PS.Case No. -249 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Jogendra Sah, son of late Mahabir Sah,
 2. Domi Sah, son of late Mahabir Sah,
 3. Krishna Kumar, son of Domi Sah,
 4. Sheonandan Sah @ Shivan Sah, son of Domi Sah, all are resident of Village- Bhatauni, P.S.- Bakhtiyarpur, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-04-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Bakhtiyarpur P.S. Case No.249 of 2017** instituted for the offence under Section(s) 147, 148, 149, 341, 323, 324, 379, 354-B, 504, 307 Indian Penal Code.

There has been free fight between the parties on account of land dispute. Both parties are *Gotiyas*. Counter case has been filed for the same date of occurrence by the son of petitioner no.1 vide Bakhtiyarpur P.S. Case No.250 of 2017 in which petitioner no.1 sustained grievous injury and petitioner no.3 also sustained injuries.

In the instant case, it is alleged that these petitioners



caused injury to three persons from the prosecution side, namely, Sanjay Sah, Lalit Sah and Lila Devi with Khanti, spade etc. Injury reports of the injured have been annexed as Annexure-4 series, which show that all of them have sustained simple injuries. Injuries sustained from petitioners' side in counter case have been annexed as Annexure-3 series, which show that petitioner no1 has sustained grievous injury and petitioner no.3 has also sustained injury.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Bakhtiyarpur P.S. Case No.249 of 2017**, 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 the **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 bonds 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.

JA/-

(Sanjay Priya, J)

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