

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37298 of 2018

Arising Out of PS.Case No. -80 Year- 2018 Thana -BHELDI District- SARAN

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1. Pappu Sahani, S/o Ganga Sahani,
2. Babita Devi, W/o Pappu Sahani,
3. Ganga Sahani, S/o Late Marjadi Sahani,

All R/o Vill.- Ramchak, P.S.- Bheldi , District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Bheldi P.S. Case No. 80 of 2018** instituted for the offence under Sections 341, 323, 334, 307 and 504/34 of the Indian Penal Code.

Counsel for the petitioners submits that there is case and counter case between the parties. Counter case has been filed by petitioner No. 2 against the informant and others wherein petitioner Nos. 2 and 3 have sustained injuries.

The injury reports of petitioner Nos. 2 and 3 have been enclosed as Annexure-2 series which shows that petitioner No. 2 has sustained two injuries which were found to be simple in



nature caused by hard and blunt substance. Petitioner No. 3 has sustained three injuries. With regard to injury No. 1, X-ray shows fracture of right ulna which was found to be grievous in nature.

In the instant case, the allegation against petitioner No. 1 is of assaulting the informant with knife on his left palm causing bleeding injury, on account of which, he fell down on the ground. The allegation against petitioner No. 2 is of assaulting the informant with spade on head of the informant causing bleeding injury. When father of the informant came to save the informant, petitioner No. 3 assaulted with iron rod on his head and he fell down. Petitioner No. 1 with intention to kill the father of informant, inflicted knife blow on left side of his chest.

The injury report of the informant has been enclosed from which it appears that he sustained three injuries which are found to be simple in nature. The injury report of father of informant namely, Raj Narayan Sahani, shows that he sustained one incised wound on his left side chest measuring 1 ½” x ½” muscle deep by sharp cutting weapon. The opinion of the injury was kept reserved.

In the written report there is specific allegation against petitioner No. 1 that he assaulted father of the informant with knife on left side of his chest with intention to kill him. He also



assaulted the informant with knife on his left palm.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 1.

Prayer for anticipatory bail of petitioner No. 1 stands rejected.

Petitioner No. 1 may surrender before the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order, if possible, on the same day.

So far allegation against petitioner Nos. 2 and 3 are concerned, there is no allegation against them of causing any grievous injury or injury on vital parts of the body. Therefore, prayer for anticipatory bail of the petitioner Nos. 2 and 3 is allowed. In the event of surrender/arrest of the petitioner Nos. 2 and 3, named above, within six weeks from today, in connection with **Bheldi P.S. Case No. 80 of 2018**, 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 learned **Chief Judicial Magistrate, Saran at Chapra**, 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 bond 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.

(Sanjay Priya, J)

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