

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8967 of 2018

Arising Out of PS.Case No. -237 Year- 2017 Thana -BHANGWANPUR HAT District- SIWAN

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Dhoda Sah @ Dhodha Sah, S/o Kadam Sah, R/o village- Shankarpur, P.S.-
Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bhagwanpur Hat**
P.S. Case No. 237 of 2017 instituted for the offence under Sections
147, 148, 149, 323, 379 and 307 of the Indian Penal Code.

The allegation against the petitioner is that he assaulted
brother of the informant namely, Uma Nath Tiwary on his head with
sword, causing injury to him and he fell down.

It has been submitted that there has been free fight
between the parties on account of land dispute. The petitioner side also
filed Bhagwanpur Hat P.S. Case No. 236 of 2017 prior to the instant
case against Uma Nath Tiwary, Binod Tiwary, Dinesh Tiwary and
others. The instant case is counter blast of the aforesaid case. The
injury has been sustained by petitioner side also on account of
occurrence caused by the informant.



Learned Sessions Judge has mentioned in the impugned order that injury on the person of Uma Nath Tiwary was found to be simple in nature.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bhagwanpur Hat P.S. Case No. 237 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-II, Siwan**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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