

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19744 of 2018

Arising Out of PS. Case No.-970 Year-2017 Thana- SITAMARHI District- Sitamarhi

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1. Rajesh Sah @ Rajesh Kumar Sah, S/o- Rameshwar Sah,
 2. Rakesh Sah, S/o- Rameshwar Sah,
 3. Rameshwar Sah, S/o- Late Pooran Sah, All R/o- Village- Bhairo Kothi, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Sri Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the IPC.

The prosecution case as per the fardbeyan of Jhagaru Sah, recorded by S.I., Sitamarhi Police Station on 20.11.2017 at 2 P.M. at Sadar Hospital, Sitamarhi is to the effect that on 19.11.2017 at 7.30 P.M., there was fight between the children of petitioners' and informant's and in retaliation to that, the petitioners started abusing the informant and gave life threat. On protest being made, on the order of petitioner no.3, Rameshwar Sah, his son, Rajesh Sah, petitioner no.1 assaulted with iron rod causing injury on the head of the informant. Thereafter, the



petitioner no.2, the other son of petitioner no.3 assaulted with lathi on the back of the informant, as a result of which, he fell down. Thereafter, petitioner no.3, Rameshwar Sah assaulted with fists and slaps and took out Rs. 5,000/-

It is submitted by learned counsel for the petitioners that the injuries have been found to be superficial simple in nature, however, statement to that effect has not been made in the petition. In view of the fact that the occurrence took place in the background of petty dispute between the children of both sides, the informant has retracted from his initial version and filed a petition to that effect before learned Court below. For the occurrence of 19.11.2017 at 7.30 P.M., the FIR was registered on 21.11.2017 at 3.30 PM. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that there is specific accusation against the petitioner to have made assault and the impugned order suggests that medical opinion with regard to injuries has been kept reserved.

Considering the nature of accusation levelled in the background of fight between the children of both sides and the retracted version of the informant from his initial version, let the



above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 970 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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