

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4707 of 2018

Arising Out of PS.Case No. -140 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Anirudh Sada, S/o Banku Sada @ Vauku Sada,
 2. Abhimanyu Sada S/o Banku Sada @ Vauku Sada,
 3. Rohit Sada @ Ranjit Sada S/o Khusar Sada @ Khasar Sada, All are R/o Village- Kathdumar, P.S.- Bakhtiyarpur (Kanerla O.P.), District- Saharsa.
 4. Bigaru Sada S/o Jadu Sada,
 5. Bulandi Devi @ Bulanti Devi W/o Bigaru Sada, Both are R/o Village- Bahorva, P.S.- Alauli, District- Khagaria.
 6. Arun Sada S/o Ramprasad Sada,
 7. Pawan Devi W/o Arun Sada, Both are R/o Village- Harnahi, P.S.- Kusheshwar Asthan , District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-02-2018

Heard the learned counsels for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 140/2017 dated 16.05.2017 instituted for the offence under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

For the act of a 10 years old daughter of one Arun Sada taking away maize grains from the house of the informant, a fight took place when the informant and his father were assaulted by as many as 8 accused persons; the petitioners being part of the group. It has been alleged that co-accused Amar Sada assaulted the informant by means of an iron rod on his head, as a result of which, he fell down on the ground becoming injured. When his father, Dukhi



Yadav came to his rescue, he too, was assaulted by Anirudh Sada and Rohit Sada, the two of whom are the petitioner nos. 1 and 3.

Learned counsel for the petitioners has submitted that the dispute arose out of a trifle and the injuries suffered by the informant as well as his father are simple in nature. It has further been submitted that the person who is alleged to have assaulted the informant on his head by iron rod is not one of the petitioners in the present petition. So far as the father of the informant is concerned, two of the petitioners, viz. Anirudh Sada (Petitioner no. 1) and Rohit Sada (Petitioner no. 3) are said to have assaulted him and the injuries are of simple nature and not on vital part of the body.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, in the event of their surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur P.S. Case No. 140/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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