

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58560 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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SHATRUGHAN SAH @ SHATRUDHAN SAH, S/o Surat Sah, R/o Vill.-
Srichandpur Kothia, P.S.- N.H. Bangra, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 307, 323/34, 341, 379, 504
and 506 of the IPC.

The prosecution story, in brief, is that on 25.02.2018
at about 9.00 A.M., while the informant was cleaning drainage, in
the meantime, petitioner alongwith other co-accused persons
armed with *Lathi*, *Farsa* and *Danda* came there and petitioner
abused the informant which was protested then he assaulted on the
head of the informant with *Farsa* thereby he sustained injury and
fell down on earth and other accused persons also assaulted him



with *Lathi* and badly injured him. His brother Shiv Nath Sah, Narendra Sah, his wife Dharmsheela Devi and younger sister-in-law Rinku Devi came to save him then they were also assaulted by the accused persons with *Lathi* and *Danda*, During course of scuffle, petitioner took away gold chain of his wife and co-accused Indu Devi took away gold chain of his sister-in-law (*Bhawaj*).

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties due to petty reason. The medical examination report does not indicate nature of injury. Hence, it cannot be ascertained whether offence under Section 307 of the IPC is made out or not. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 5th, Samastipur, in connection with N.H. Bangra P.S. Case No. 17 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

