

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56717 of 2018

Arising Out of PS.Case No. -44 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Janardan Sada, S/o Late Jaggan Sada,
 2. Jai Krishyna Sada S/o Late Japan Sada,
 3. Bateshwar Sada S/o Varik Sada,
 4. Chinto Sada S/o Late Mangal Sada,
 5. Kailash Sada S/o Kamleshwari Sada,
 6. Radhe Shyam Sada S/o. Aghanu Sada,
 7. Shivchandra Sada @ Sirchan Sada S/o Late Ramghani Sada, All R/o Vill.- Gamhariya, Tola- Mushari, P.S.- Saur Bazar (O.P. Baijnathpur), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-10-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147/148/149/341/323/324/307/379/504/506 of the Indian Penal Code.

There is case and counter case. Land dispute is the reason behind the occurrence. Specific allegation is against Janardan Sada to have caused injury at the head of Lal Keshwar Yadav and allegation against petitioner Jai Krishyna Sada is of



commission of injury at the head of Ram Kumar with iron rod. However, the doctor has not found any injury at the head of Ram Kumar Yadav.

Submission of the learned counsel for the petitioners is that there is no allegation of repetition of blow nor the doctor has found any injury consistent with the allegation in the FIR that injury was caused with iron rod and farsa etc; rather injuries were caused by hard and blunt substance simple in nature.

Considering the fact that petitioner Janardan Sada had knowledge that his act might cause death, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

Petitioner Chinto Sada has already been arrested. Hence, his prayer for anticipatory bail is infructuous now.

Since other petitioners are carrying general and omnibus allegation, hence, let the petitioners, namely, Jai Krishyna Sada, Bateshwar Sada, Kailash Sada, Radhe Shyam Sada and Shivchandra Sada @ Sirchan Sada, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on



furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Saur Bazar (B.Pur) Police Station Case No. 44 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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