

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45873 of 2018

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1. Dilip Sah,
2. Dinesh Sah @ Dinesh Sah Both Sons of Bhola Sah, R/o Vill.- Amhara,
P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-08-2018 Learned counsel for the petitioners submits that

petitioner no. 1, namely, Dilip Sah has already been arrested and

therefore, his anticipatory bail petition has become infructuous.

Accordingly, the anticipatory bail petition of petitioner
no. 1 is dismissed as has become infructuous.

Petitioner no. 2 apprehends his arrest in Forbesganj P.S.
Case No. 192/2018, instituted for the offences punishable under
Sections 447, 341, 323, 379, 307, 504 and 506/34 of the Indian
Penal Code.

Allegation against petitioner no. 2 is that he assaulted
the son of informant, namely Rajiv Sah causing injury on head.
The injury report of the son of informant is enclosed as annexure-
P/3 series wherein the doctor has opined that the injury found on



the son of informant is simple in nature caused by hard and blunt substance.

Learned counsel for the petitioner has submitted that petitioner no. 1 has lodged Forbesganj P.S. Case No. 191/2018 against the informant and others for the occurrence dated 21.03.2018. In that case, injuries have been sustained by petitioners' side also. The injury report of petitioner's side is enclosed as Annexure- P/4 series.

Learned counsel for the informant has submitted that both sides have sustained injury. Three persons have sustained grievous injury from informant's side. From injury report of petitioners' side (P/4 series), it appears that grievous injury has been sustained by member of petitioners' side also.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of petitioner no. 2 is allowed. In the event of surrender/arrest of petitioner no. 2, named above, within six weeks from today, in connection with Forbesganj P.S. Case No.192/2018, 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 the learned Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper 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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