

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3664 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- PATEPUR District- Vaishali

Jai Prakash Sahni son of Ram Hit Sahni , Resident of Village – Kesarahi, P.S.
Patepur, District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 17-04-2019 This is an application for grant of anticipatory bail in connection with Patepur P.S. Case No. 138 of 2018, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code.

Allegation as per F.I.R. is that the dispute arose with respect to the measurement of land for which a Panchayati was also held, but in that Panchayati, the petitioner protested the same and assaulted the husband of the informant due to which he left out and thereafter all the accused persons came out and assaulted the husband and son of the informant with rod, dabiya and knife due to that they became injured and later on during treatment, the son of the informant died.

Submission of learned counsel for the petitioner is that as a matter of fact the occurrence took place due to land



dispute and counter blast case has been filed by the petitioner against the informant and others and in that occurrence petitioner and his wife also received serious injuries and they were under treatment in P.M.C.H for the period 09.08.2018 to 13.08.2018. Further there is no specific allegation of assault against the petitioner.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail of the petitioner stating that all the accused persons had assaulted the husband and son of the informant and causing injuries to them due to which son of the informant succumbed to the injury.

Having heard both sides, in view of the facts and circumstances of the case and also considering the fact that there is case and counter case and petitioner has also received injury, which will appear from Annexure-2, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 10, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 138 of 2018, subject to the condition laid down under Section



438(2) of the Code of Criminal Procedure.

This is further subject to the condition that he has to appear before the police as and when required, otherwise the prosecution will be at liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

Amjad/-

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