

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10723 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- SITAMARHI District- Sitamarhi

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1. SHIV SHANKAR SAH Son of Late Fekan Sah Resident of Village- Maniyari, Ward No. 7, P.S.- Sitamarhi, District - Sitamarhi.
 2. Gouri Shankar Sah Son of Late Fekan Sah Resident of Village- Maniyari, Ward No.7, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341/323/307/504/506/34 IPC registered in connection with Sitamarhi (Punaura OP) P.S. Case No. 224 of 2018.

3. It is submitted that the petitioners have been falsely implicated in retaliation to Sitamarhi P.S. Case No. 668/2016 lodged by the petitioner no. 2 against the informant. The accusation of assault with knife on the informant is upon petitioner no. 1, while the accusation of assault by the petitioner no. 2 is general and omnibus in nature.

4. Considering the injury report of the informant which discloses incised wound over neck and bleeding from damaged minor blood vessels and the nature of injuries is said to be possibly dangerous, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1. Bail petition as against him stands dismissed.

5. As regards petitioner no. 2, in the event of arrest or surrender by him before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned C.J.M., Sitamarhi, in connection with Sitamarhi (Punaura OP) P.S. Case No. 224 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner no. 2.

ii. That the petitioner no.2 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner no.2 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner no. 2 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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