

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.20334 of 2019

Arising Out of PS. Case No.-336 Year-2018 Thana- GHORASAHAN District- East
Champaran

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JITENDRA SAH @ JITU TIGER, Son of Ram Vilash Sah, Resident of
Village - Hanuman Nagar, P.S.- Ghorasahan, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 325, 307,
504 and 506/34 of the IPC.

The prosecution case, as per the written report of Deepak
Kumar submitted to the Station House Officer, Ghorasahan



Police Station, is to the effect that on 17.08.2018 at 10.15 A.M., the informant was returning from the market and as soon as he reached near the shop of one Mohan Sonar, four accused persons including the petitioner, came variously armed with hockey stick, iron rod and pipe of bike shocker, surrounded the informant and on the order of the petitioner, co-accused, Dharmendra Sah assaulted with pipe of bike shocker on the head of the informant causing bleeding injury and thereafter, all the accused persons including the petitioner started assaulting the informant.

It is submitted by the learned counsel for the petitioner that the specific accusation of assault is against the co-accused, Dharmendra Sah and it is alleged that four injuries were caused to the informant, out of which three injuries found have been simple in nature, though opinion with regard to the injury no.3 caused on left leg has been found grievous. It is further submitted that there is a counter version of occurrence being Ghorasahan P.S. Case No. 399 of 2018, registered by the wife of the petitioner against the informant's side. It is also submitted that for the occurrence of 17.08.2018 at 10.15 A.M., the FIR has been registered on 18.08.2018 at 04.30 P.M. and it reached to the Court of learned SDJM, Sikrahna, Dhaka on 20.08.2018,



which suggests that by antedating, the FIR has been lodged. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in four other cases, apart from the present case, though it is submitted by learned counsel for the petitioner that in these cases the petitioner has been granted bail, but no statement to that effect has been made in the petition.

It is submitted by the learned APP for the State that the accusation of assault is against the petitioner and he is named in the FIR.

Considering the fact that the specific accusation of assault is against the co-accused, Dharmendra Sah, there is counter version of occurrence and injuries caused to the informant being simple in nature, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **SDJM, Sikrahna, Dhaka** in connection with **Ghorasahan P.S. Case. No. 336 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The learned Court below will accept the bail bonds of the petitioner after verifying the fact that the petitioner has been



granted bail in all the four cases mentioned in paragraph no.3 of the petition, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Deepak/-

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