

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36000 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- BISHANPUR CHOWK District-
Darbhanga

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1. CHHOTE LAL SAH Son of Late Bipat Sah Resident of Village- Godhiyari, P.S.- Bishanpur, District- Darbhanga.
 2. Karan Sah Son of Chhote Lal Sah Resident of Village- Godhiyari, P.S.- Bishanpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-08-2019

This application, for grant of anticipatory bail, arises out of Bishanpur P.S. Case No. 112/18, disclosing offences under Sections 341, 323, 307, 302, 504 and 34 of the Indian Penal Code.

Allegation as per F.I.R is that while the Amin was measuring the land, father of the informant objected, on which, the accused persons including petitioners abused him, thereafter, petitioner no. 2 thrashed him on the ground and also assaulted him on his chest due to which, father of informant was admitted in DMCH and during treatment his died.

Submission of learned counsel for the petitioner is that there is no allegation so far petitioner no. 1 is concerned



and though there is allegation against petitioner no. 2. of assault to the father of informant but now the matter has been compromised and the informant has stated that his father was suffering from Asthma and due to fall, he received injuries and died.

Learned counsel for the State opposed the prayer for bail and submitted that in postmortem report, injury on the person of the deceased was found and the cause of death was ascertained as due to shock and hemorrhage due to the injury.

Having heard both sides, considering the facts and circumstances so far petitioner no. 1 is concerned, 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 ACJM-VII, Darbhanga, in connection with Bishanpur P.S. Case No. 112/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 2 is concerned, I am not inclined to grant the privilege of anticipatory bail to the petitioner no. 2 rather he may surrender before the court below and make prayer for regular bail and if any such application is filed, the court



below will dispose of the same on the merit of the case, without
being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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