

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43267 of 2019

Arising Out of PS. Case No.-113 Year-2017 Thana- BARIYARPUR District- Munger

1. Aman Sah Son of Sudhir Sah, Resident of Village - Bariyarpur, P.S.- Bariyarpur, District- Munger
2. Dhiraj Sah Son of Surendra Sah @ Surendra Pd. Sah, Resident of Village - Bariyarpur, P.S.- Bariyarpur, District- Munger
3. Kundan Sah Son of Surendra Sah @ Surendra Pd. Sah, Resident of Village - Bariyarpur, P.S.- Bariyarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Bariyarpur P.S. Case No. 113 of 2017
registered for offence punishable under sections 341, 323, 307,
379, 504, 506/34 of the Indian Penal Code.

As per the allegation made by the informant
Bhaulendra Yadav that on 02.12.2017 at 5:30 pm., his son went
to Students Saloon for cutting hair, at that time, three accused
persons, namely, Aman Sah, Dhiraj Sah and Kundan Sah came
with lathi, danda and iron rod, started hurling abuses and



assaulted his son on the head as a result of which he fell down, at that time, the informant was purchasing some grocery material nearby place of occurrence, on hearing sound, he reached there and then his son has been brought to Primary Health Centre, Bariyarpur and later on, for better treatment, he was shifted to Sadar Hospital, Munger.

The learned counsel for the petitioners submits that It is a very concocted story, as no reason has been assigned and also no motive has been made in FIR for assaulting the informant's son. He further submits, in fact, there was an accident of motor cycle and that led to altercation. He further submits that the incident has taken place earlier, but the case has been lodged later on and the injuries are very simple in nature and there is no direct allegation against these petitioners.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Munger in connection with Bariyarpur P.S. Case No. 113 of 2017, subject to the conditions



as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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