

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44983 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- MORKAHI District- Khagaria

1. BUTAN SAH Son of Baunu Sah @ Bano Sah Resident of Village - Rasonk, P.S.- Morkahi, District - Khagaria.
2. Bablu Sah Son of Butan Sah Resident of Village - Rasonk, P.S.- Morkahi, District - Khagaria.
3. Dablu Sah @ Pawan Sah @ Pawan Kumar Son of Budhan Sah Resident of Village - Rasonk, P.S.- Morkahi, District - Khagaria.
4. Neel Kamal Sah @ Nilkamal Kumar Son of Babloo Sah Resident of Village - Rasonk, P.S.- Morkahi, District - Khagaria.
5. Prashant Sah @ Prashant Kumar Son of Shrawan Sah Resident of Village - Ahok, P.S.- Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Mr. Ram Sumiran Rai
For the Opposite Party/s	:	Mr. Shyam Bihari Singh
For the informant	:	Mr. Pravin Chandra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Morkahi Police Station Case No. 43 of 2019, disclosing offences under Sections 147/148/149/341/323/324/307/379/504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners is that petitioner nos. 3 and 4 assaulted the informant by means of fire-arm and



sword; whereas petitioner nos. 1 and 2 have allegedly taken away attache of the informant and there is no specific allegation against petitioner no. 5, in the First Information Report.

Learned Counsel for the petitioners submits that both the parties are agnates and there is case and counter case between them inasmuch as from the side of the petitioners, First Information Report, bearing Morkahi Police Station Case No. 44 of 2019 has been lodged for the same incident. He further submits that from perusal of Annexure-3 series, it would be evident that there is no fire-arm injury upon the person of the informant and both the injuries caused by the petitioner nos. 3 and 4 are simple in nature, not on the vital part of the body.

Learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the informant has sustained fire-arm injury and all the accused persons have assaulted the informant. Therefore, the petitioners do not deserve privilege of anticipatory bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners are agnates and injuries caused to the informant are simple in nature, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.



Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, in connection with Morkahi Police Station Case No. 43 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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