

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46783 of 2019

Arising Out of PS. Case No.-1294 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

1. ASHOK SAH Son of Shankar Sah Resident of Chak Ghazi, B. Factory, P.S.- Ahiyapur, District- Muzaffarpur
2. Vinod Sah @ Vinod Kumar Son of Shankar Sah Resident of Chak Ghazi, B. Factory, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-07-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Ashok Sah, has already been arrested by the police in this case on 15.07.2019 and, as such, this application in respect of the petitioner no.1, above named, has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, above named.

Permission is accorded.

This application in respect of the petitioner no.1, above named, is dismissed as withdrawn.

Now, today, only the prayer of the petitioner no.2, namely, Vinod Sah alias Vinod Kumar, for grant of privilege of



pre-arrest bail is being considered.

Heard.

The petitioner no.2, namely, Vinod Sah alias Vinod Kumar, apprehends his arrest in connection with Ahiyapur P.S. Case No.1294 of 2018 registered under Sections 323, 341, 504, 506, 307 and 379/34 of the Indian Penal Code.

The accusation is that in the evening of 03.12.2018, the informant Bechan Rai was paying the wages to the labourers, engaged in the construction of his house. At that time, all of a sudden, Ashok Sah, having rod in his hand came there and caused injury at the head of the informant, due to which the informant fell down. In the meantime, Sumit Sah having pistol in his hand came there and pointing the same on the temple of the informant snatched the bag of the informant in which Rs.50,000/- was kept. On the alarm being raised by the informant when Vijay Kumar and Anil Kumar rushed there to save the informant, then Vinod Sah (petitioner no.2) along with 3-4 unknown having lathi and danda came there and while abusing caused injury to them.

Learned counsel for the petitioner no.2 submits that the specific allegation to cause injury at the head of the informant through rod is against Ashok Sah, while there is



general and omnibus allegation against the petitioner no.2 and 3-4 unknown to cause injury to Vijay Kumar and Anil Kumar through lathi and danda. The petitioner no.2 has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the C.J.M.-1, Muzaffarpur, in connection with Ahiyapur P.S. Case No.1294 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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