

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46593 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- BARHARIA District- Siwan

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1. Raju Sah S/o Chandrika Sah
 2. Deepak Sah S/o Chandrika Sah
 3. Sujeet Sah S/o- Chandrika Sah
 4. Munna Sah S/o Chandrika Sah
 5. Chandan Sah S/o Chandrika Sah
 6. Anil Sah S/o Chandrika Sah
 7. Chandrika Sah S/o Late Mangal Sah
 8. Lalti Devi W/o Chandrika Sah
- All are residents of Village- Barhariya Purani Bazar, P.S.- Barhariya,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection
with Barhariya P.S. Case No. 113 of 2019, registered under
Sections 341/323/337/308/504/34 of the Indian Penal Code.

The allegation against the petitioners, as per the FIR,
is that the petitioners started abusing the informant on the issue
of keeping of *Naad* for the purpose of providing food to the
animals and upon protest, the informant was assaulted by
another accused persons with rod and bricks. It has further been



alleged that Deepak Sah (petitioner no.2) assaulted with the bricks on the face of the informant which resulted into grievous injury sustained by the informant.

Learned counsel for the petitioners submits that there is general and omnibus allegation against the petitioners except petitioner no.2 (Deepak Sah), who has assaulted the informant on his face, causing grievous injury. Learned counsel for the petitioners submits that so far as other petitioners are concerned there is general allegation of assault and from perusal of the material one grievous injury has been found on the face of informant.

After having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation against petitioner no.2, who assaulted with bricks on the face of the informant, I am not inclined to grant anticipatory bail to the petitioner no.2, namely, Deepak Sah.

Accordingly, this application so far as petitioner no.2 is dismissed.

However, taking into consideration the fact there is general and omnibus allegation against petitioner nos. 1, 3, 4, 5, 6, 7 and 8, I am inclined to grant them privilege of anticipatory bail.



Accordingly, this application so far as petitioner nos. 1, 3, 4, 5, 6, 7 and 8 is allowed.

Let the petitioner nos. 1, 3, 4, 5, 6, 7 and 8, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Barhariya P.S. Case No. 113 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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