

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50277 of 2019

Arising Out of PS. Case No.-240 Year-2017 Thana- BARHARA KOTHI District- Purnia

1. Anil Sah @ Anil Kumar Sah, Aged about 42 years, Male, Son of Late Harschandra Sah, R/o Village Barhara Kothi, P.S. Barhara, District Purnea.
2. Jitendra Kumar @ Bechan Sah @ Jitendra Sah, Aged about 22 years, Male, Son of Anil Sah @ Anil Kumar Sah, R/o Village Barhara Kothi, P.S. Barhara, District Purnea.
3. Amar Kumar @ Kallu Kumar, Aged about 20 years, Male, Son of Anil Sah @ Anil Kumar Sah, R/o Village Barhara Kothi, P.S. Barhara, District Purnea.
4. Amit Kumar @ Lallu Kumar, Aged about 18 years, Male, Son of Anil Sah @ Anil Kumar Sah, R/o Village Barhara Kothi, P.S. Barhara, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Dr. Bidhu Ranjan, Advocate
For the State	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-08-2019 Heard both sides.

Petitioners apprehend their arrest in Barhara P.S. Case No.240 of 2017, registered under Sections 341, 323, 325, 379, 387, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that while he was going to Shyama Bazar, his uncle Anil Sah @ Anil Kumar Sah, petitioner no.1, his son Jitendra Kumar @ Bechan Sah @ Jitendra Sah, petitioner no.2, Amar Kumar @ Kallu Kumar, petitioner no.4 and Amit Kumar @ Lallu Kumar, petitioner no.4 surrounded him and



began to abuse. They dragged the informant to their mill and Amar Kumar assaulted the informant with iron rod aiming his head but the informant bends to save himself and the blow hit on the left shoulder of the informant. The accused persons are alleged to have snatched chain made of gold and cash from the possession of the informant.

Learned counsel for the petitioners submits that the petitioners are uncle and cousin of the informant. The allegation of assault is made only against Amar Kumar @ Kallu Kumar, petitioner no.3. Other accused persons are alleged to have assaulted the informant with fists and slaps but no such injury was found. One injury was found on the left shoulder. Firstly, the opinion was kept reserved but later on the doctor opined the injury to be simple in nature as would appear from Annexure-2 of the bail petition but it appears that dislocation of left shoulder was found and on the face it appears that the doctor has given wrong opinion with regard to the nature of injury.

Taking into consideration the fact that Amar Kumar @ Kallu Kumar, petitioner no.3, is alleged to have assaulted his cousin, the informant, with iron rod on account of petty dispute and the injury on the shoulder is grievous in nature, I am not inclined to enlarge Amar Kumar @ Kallu Kumar, petitioner no.3, on anticipatory bail.



Accordingly, the prayer for anticipatory bail of Amar Kumar @ Kallu Kumar, petitioner no.3, is rejected.

So far as the case of Anil Sah @ Anil Kumar Sah, petitioner no.1, Jitendra Kumar @ Bechan Sah @ Jitendra Sah, petitioner no.2 and Amit Kumar @ Lallu Kumar, petitioner no.4 is concerned, there is no specific allegation of assault against them and no other injury save and except the injury on the shoulder of the informant was found on the person of the informant.

Taking into consideration the facts aforesaid, let petitioners, namely, Anil Sah @ Anil Kumar Sah, petitioner no.1, Jitendra Kumar @ Bechan Sah @ Jitendra Sah, petitioner no.2 and Amit Kumar @ Lallu Kumar, petitioner no.4, in the event of their arrest or surrender before the court below within four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Barhara P.S. Case No.240 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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