

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51548 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. BIKARMA SAH Son of Late Banarsi Sah Resident of Village- Sher, Ward No. 3, P.S.- Sidhwalia, District- Gopalganj.
2. Kundan Kumar @ Kundan Sah Son of Bikarma Sah Resident of Village- Sher, Ward No. 3, P.S.- Sidhwalia, District- Gopalganj.
3. Chandan Sah Son of Bikarma Sah Resident of Village- Sher, Ward No. 3, P.S.- Sidhwalia, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-11-2019 Heard the parties.

In view of the submission of the learned counsel for the petitioners this application against the petitioner no.2, above named, is dismissed as withdrawn as he has been arrested during the pendency of this application.

Petitioner nos.1 and 3 are apprehending their arrest in connection with Sidhwalia P.S.Case No.101 of 2019 , registered for offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

As per the FIR, petitioner no.1 is said to be order giver and petitioner no.2 has assaulted by *Farsa* on head causing



injury .

Submission of the learned counsel for the petitioners is that there is case and counter case between the parties and the impugned order itself shows that this is a case of free fighting .

Heard learned A.P.P. who submitted that the case diary has been received but the injury report is not available in the case diary..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner no.1, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VI, Gopalganj in connection with Sidhwalia P.S.Case No.101 of 2019 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no.3, above named, is concerned, he has to surrender and on surrender he will be released on provisional bail in connection with Sidhwalia P.S.Case No.101 of 2019 in the meantime , the learned court below shall call upon the injury report and considering the injury he will pass appropriate order either confirming the bail bond or pass any other order or orders



as he deems fit and proper.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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