

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55571 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- SIWAN CITY District- Siwan

Esrar @ Esrar Sah, Son of Anwar Sah Resident of Village - Ismail Sahid
Takiya, P.S.- Sarai O.P., District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Siwan Town P.S. Case No.304 of 2019 for the offence
punishable under Sections 341, 323, 324, 307, 504, 506 of the
Indian Penal Code.

The allegation against the petitioner, as mentioned in
the FIR is that the petitioner along with five accused persons
assaulted the informant and his father and his sister.

Learned counsel appearing for the petitioner submits
that both the parties are co-sharer and there is case and counter
case inasmuch as Siwan Town P.S. Case No.303 of 2019 has
been lodged by the side of the petitioner against the informant
and others. Learned counsel further submits that Title Suit



No.402 of 2019 is also pending between the parties and relying upon Annexure-3 series, i.e., injury report, learned counsel further submits that all injuries caused to the informant and his father and sister have been found simple in nature by hard and blunt substance whereas allegation against other co-accused is of assaulting the father of the informant by means of Dab and sword which are sharp cutting weapons. Learned counsel thus submits that allegation made in the First Information Report is not corroborated by the injury report. Learned counsel further submits that there is specific allegation of assault against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are co-sharer and there is case and counter case between them and the case lodged by the side of the petitioner is prior in time to the case lodged by the informant and there is delay in lodging the First Information Report and injuries caused to the informant and others are simple in nature, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of



four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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