

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75363 of 2018

Arising Out of PS. Case No.-221 Year-2018 Thana- DHAKA District- East Champaran

1. Khaheru Sah @ Kheru Sah
 2. Mishrilal Sah
- Both sons of Late Ramekbal Sah, Resident of Village- Bhandar, P.S.- Dhaka,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 504 and 308/34 of the Indian Penal Code.

The prosecution case as per the written report of Binod Kumar submitted to the Station House Officer of Pachpakari O.P., East Champaran is to the effect that on 15.06.2018 at 3.00 P.M., the brother of the informant, Bhagwan Sah was coming on his motorcycle and as soon as he reached near Math the FIR named accused persons including the petitioners attacked the brother of the informant. It is alleged against petitioner no. 1, Khaheru Sah that he assaulted with a Farsa on the head of the brother of the informant when it is



alleged against petitioner no.2, Mishrilal Sah that he assaulted with an iron rod when others unknown persons also assaulted the brother of the informant, as a result, he received fracture injury on his hand.

It is submitted by learned counsel for the petitioners that the injury caused by the petitioners has been found to be simple in nature and one injury caused by others on the hand has been found to be grievous. There is a counter version of the occurrence also being Dhaka P.S. Case No. 222 of 2018 lodged by petitioner no. 1 against the informants side. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the fact that there is no accusation of repeating the blow and the injury caused by the petitioners has been found to be simple, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Dhaka P.S. Case No. 221 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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