

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75373 of 2019

Arising Out of PS. Case No.-214 Year-2019 Thana- BAUSI District- Purnia

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AMAR SAH S/o Tirthanand Sah R/o village- Chouni, P.S.- Baisi, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr.Bharat Bhushan(App156)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-12-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Baisi P.S. Case No. 214 of 2019, registered for the offence
punishable under sections 147, 341, 323, 307, 506 and 504 of
the Indian Penal Code.

As per allegation made in the F.I.R., 13 named
accused persons including the petitioner herein are said to have
entered into the house of the informant, variously armed,
started assaulting the informant and others and thereafter it is
stated that petitioner has given blow with bamboo stick on the
head of the wife of the informant causing serious injury to her as
a result of which she fell down injured and became unconscious.



It is submitted by the learned counsel for the petitioner that there is case and counter case between the parties and the correct description of the occurrence has been given in FIR of the counter case, which is Annexure-2 to the application, wherein the petitioner himself was brutally assaulted, along with others, and has been undergoing treatment. It is further submitted that it was the result to built up defence against the F.I.R., Annexure-2 to the application that the other side has lodged the FIR, Annexure-1, in which the instant application for bail has been filed. It is further stated that petitioner has no criminal antecedent.

It is submitted by the learned counsel for the informant that there is direct allegation of assault against the petitioner of having struck the wife of the informant and allegation in the FIR is supported by the injury report which is being brought on record as Annexure-5 to the application, wherein doctor has reported that she has received fracture in nasal bone and nature of injury is grievous.

Having heard learned counsel for the parties and taking into consideration the fact that there is direct allegation against the petitioner of having assaulted the wife of the informant, this Court is not inclined to grant bail to the



petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders within a period of six weeks and prays for bail, the same shall be considered by the court below , without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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