

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83756 of 2019

Arising Out of PS. Case No.-290 Year-2019 Thana- PALIGANJ District- Patna

-
1. Parmanand Sah @ Parmanand Saw, Son of Triveni Sah, Resident of Village- Dharhara Shantinagar, P.S.- Paliganj, District- Patna.
 2. Sudhir Kumar @ Bijali Kumar, Son of Parmanand Sah @ Parmanand Saw, Resident of Village- Dharhara Shantinagar, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 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, 307, 504 and 506/34 of the Indian Penal Code.

It is alleged that in the background of dispute with regard to the flow of the drainage water, on the order of petitioner no. 1, Parmanand Sah, his son Bijali Kumar, petitioner no. 2 assaulted with Dab on the head of the informant causing bleeding injury, when the informant's wife came to rescue, she was being also assaulted.

It is submitted by learned counsel for the petitioners



that the informant has retracted from the initial version and in the background of a dispute with regard to drainage, the accusation of assault has been levelled against the petitioners. There is no accusation of repeating the blow and the injury has not been found grievous as recorded by the learned Sessions Judge in impugned order. Moreover, there is a counter version of the occurrence and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against petitioner no. 2.

Considering the genesis of the occurrence coupled with the fact that there is no accusation of repeating the blow, there being a counter version of the occurrence, the informant has retracted from the initial version and filed a petition to that effect before the learned Court below and statement being 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 Sub-divisional Judicial Magistrate,
Danapur (Patna) in connection with Paliganj P.S. Case No. 290
of 2019, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

