

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11820 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- DAUDPUR District- Saran

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1. Kudarat Sai Son of Mohammad Sai Resident of Village- Jaitpur Sai Tola, P.S.- Daudpur, District- Saran at Chapra.
 2. Akhtar Sai @ Akhtar Ali Son of Mohammad Sai Resident of Village- Jaitpur Sai Tola, P.S.- Daudpur, District- Saran at Chapra.
 3. Rasid Sai S/o Mohammad Sai Resident of Village- Jaitpur Sai Tola, P.S.- Daudpur, District- Saran at Chapra.
 4. Sharmila Khatoon W/o Kudarat Sai Resident of Village- Jaitpur Sai Tola, P.S.- Daudpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-06-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Daudpur P.S. Case no. 50 of 2019 registered under sections 341, 323, 307, 379, 384 and 34 of the Indian Penal Code.

As per allegation in the FIR, over a dispute with respect to disposal of dirt material, it is stated that the accused persons assaulted the informant as also his son. It is further stated that armed with lathi, danda etc, the petitioner no. 2 climbed on the stomach of the informant's son. Thereafter, the petitioner no. 3 struck the informant's son with a knife with the intention to kill.

It is submitted by learned counsel for the petitioners that there has been unexplained inordinate delay in lodging of the FIR. For an occurrence on 20.5.2018 the complaint was lodged on 22.5.2018 and ultimately the FIR was registered on



27.3.2019. It is further submitted that the injury report of the son of the informant which has been brought on record as Annexure 2 to the petition does not support the allegation as levelled in the FIR. All the five injuries have been opined to be simple in nature. It is submitted that there is case and counter case between the parties and the petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the injury report of the son of the informant, the Court is inclined to enlarge the petitioners on anticipatory bail. The four petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Daudpur P.S. Case no. 50 of 2019 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Saran at Chapra subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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