

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15149 of 2020

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1. Nand Kishore Sah, Gender-Male, aged about 26 years
 2. Nawal Kishore Sah, Gender-Female, aged about 31 years.
- Both are son of Bachu Sah, resident of village-Dharhara, Police Station-Sarai in the district of Vaishali

..... Petitioners

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioners : Mr. Sunil Kumar, Advocate

For the State : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 08.09.2020 Heard learned counsel for the petitioners and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sarai P.S. Case No.402 of 2019, registered under sections 341, 323, 324,325, 354, 341, 504 and 34 of the Indian Penal Code.



As per allegation in the F.I.R, the petitioners herein are stated to have taken the informant to the ground. It is further stated that the petitioner no.1 assaulted the informant with an iron rod on his left hand as a result of which he sustained serious injuries and fell unconscious. On others coming to her help, she was taken to the hospital for treatment.

It is submitted by learned counsel for the petitioners that from the allegation levelled in the F.I.R. it would transpire that the allegation of assault on the informant is on a non-vital part of body and there is no repetition of blows. It is further submitted that there is case and counter case between the parties. The correct version having been mentioned in F.I.R. (Annexure-2) which has been lodged by the wife of petitioner no.2. It is further submitted that Title Suit No.235 of 2015 is pending between the parties in the Court of learned Sub Judge-I, Vaishali at Hajipur, the petitioners and the informant are own *gotias* and the false case has been lodged due to land dispute and some hot altercation.

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



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that there is specific allegation against the petitioner no.1 of having assaulted the informant with iron rod on her hand and as per injury report which has come in course of investigation, the doctor has found the said injury to be grievous in nature, the Court is not inclined to enlarge the petitioner no.1 on anticipatory bail and as such the application for anticipatory bail is rejected.

In the facts and circumstances of the case, the Court is inclined to enlarge the petitioner no.2 on anticipatory bail. The petitioner no.2 is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Sarai P.S. Case No. 402 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

Having regard to the other submissions made on behalf of



petitioner it is directed that in case the petitioner no.1 surrenders within a period of eight weeks from today, his application for bail shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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