

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14717 of 2020

Arising Out of PS. Case No.-383 Year-2019 Thana- BAJPATTI District- Sitamarhi

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KANHAIYA KUMAR SAH Son of Raghunath Sah Resident of Village -
Bangaon, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Devendra Kumar
For the Opposite Party/s :	Mr.Md. Fahimuddin
	Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Anita Kumari, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bajpatti P.S. Case No. 383 of 2019 registered for the offence punishable under Sections 341, 323, 448, 379, 307, 504 and 506/34 of the Indian Penal Code.



The allegation is regarding the accused persons including the petitioner herein having entered in the house of the informant forcefully on 3.11.2019 at about 6:30 AM. in the morning, whereafter the co-accused person, namely, Raghunath Sah had directed his son, namely, Kanhaiya i.e. the petitioner herein to kill the informant and then, the petitioner is alleged to have wrapped a towel around the neck of the informant and the other accused persons had also assaulted the informant and had decamped with jewellery, money and clothes.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and the present case arises out of case and counter case, the case filed by the petitioner's side being first in time. It is further submitted that the injury report of the informant, which is at Annexure-2 to the present petition, would show that the injuries inflicted on the person of the informant are simple in nature, however, Annexure-4 to the present



petition, i.e. the injury report of the petitioner herein would show that the petitioner has received grievous injury, hence it is submitted that it is the members of the prosecution party, who are the perpetrators of crime and have grievously assaulted and inflicted injuries on the person of the petitioner herein.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the present case arises out of case and counter case and the case filed by the petitioner is first in time and moreover, the petitioner is stated to have been grievously injured while the informant has received only simple injuries, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a



period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Bajpatti P.S.Case No. 383 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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