

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14493 of 2020

Arising Out of PS. Case No.-257 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. JAGARNATH SAH Son of Late Raghunandan Sah Resident of Village-Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.
2. Dharamnath Sah Son of Late Raghunandan Sah Resident of Village-Bhawani Chhapar, P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2020 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.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Phulwariya PS case no. 257 of 2019 registered for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

The accusation against the petitioner no. 1 is of assaulting the mother-in-law of the informant and as far as petitioner no. 2 is concerned, he is said to have assaulted the



informant by *farsa* after altercation had taken place between the informant side and the petitioners side on account of ploughing of land of the informant by tractor by the accused persons.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the present case arises out of case and counter case and the case filed by the petitioner no. 2 is first in time, inasmuch as the same has been numbered as Phulwariya PS case no. 256 of 2019 whereas the present case has been numbered as Phulwariya PS case no. 257 of 2019. It is further submitted that the petitioner no.1 has also received injury as would be apparent from Annexure-3 to the present petition.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties as also taking into account the fact that the present case arises out of case and counter case and the petitioners are stated to have filed a case, only whereafter the present case has been lodged by the informant, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their



arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Gopalganj in connection with Phuwariya PS case no. 257 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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