

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20966 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

1. SHRI BHAGWAN SAH Son of Harihar Sah Resident of Village - Maghar, P.S.- Bhagwanpur Hatt, District - Siwan.
2. Deepak Soni @ Deepak Kumar Son of Janak Sah Resident of Village - Maghar, P.S.- Bhagwanpur Hatt, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Prasad
For the Opposite Party/s	:	Ms.Anita Kumari Singh
For the informant	:	Mr. Pritish Ranjan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-07-2020 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 Bhagwanpur Hatt PS case no. 30 of 2020 registered for the offences punishable under Sections 307, 379 and other sections of Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioner no. 2, inasmuch as the petitioner no. 2 has already



been arrested.

Accordingly, the present petition *qua* the petitioner no. 2 stands dismissed as withdrawn.

The case of the prosecution in brief is that on 08.02.2020 at about 7 am, co-villagers of the informant, variously armed, had arrived at the door of the house of the informant and had abused the informant. It is further alleged that when the informant had objected to the abusive behaviour of the accused persons, co-accused person namely Motilal Sah had given orders to kill the informant, whereafter the accused persons had started assaulting the informant and when the relatives of the informant came to rescue him, they were also assaulted.

The learned counsel for the petitioner no. 1 submits that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that as far as petitioner no. 1 is concerned, no allegation of any sort of specific overt act has been made as against him by the informant of the present case, hence the petitioner no. 1 deserves to be granted anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the



parties and taking into account the fact that the petitioner no. 1 has not been alleged to have engaged in any sort of overt act and is having a clean antecedent, I deem it fit and appropriate to admit the petitioner no. 1 to the privilege of anticipatory bail. Accordingly, the petitioner no.1, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Siwan in connection with Bhagwanpur Hatt PS case no. 30 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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