

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25777 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- DARAUNDA District- Siwan

1. CHOTEYLAL SAH, Son of Late Daroga Sah
2. Shambhu Kumar, Son of Choteylal Sah, Both R/o Village - Pinerthu, P.S. - Daraunda, District - Siwan
3. Jitendra Sah @ Guddu Kumar, Son of Chandeshwar Sah, R/o Vill. - Khedu Chapra, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-12-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to FIR, the petitioners and other named accused persons committed assault against the husband and two sons of the informant due to land dispute. The assault resulted in death of the husband of the informant.

Learned counsel for the petitioners submits that the date of occurrence is 26.11.2019 and the case diary would reveal



that the inquest report was prepared on 26.11.2019 itself without disclosing the circumstances under which death was caused or any doubtful circumstance in relation to the death. Some of the witnesses have stated before the police that the victim died due to fall at the water pump. The Doctor has found some injuries caused by hard blunt substance while performing postmortem examination but the injuries were not said to be ante-mortem. Moreover, no case under Section 302 of the Indian Penal Code is made out on perusal of the bare allegation of commission of assault.

Mr. Ajay Kumar Tiwary, learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Considering the aforesaid infirmities for the purpose of consideration of this prayer for anticipatory bail, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Daraunda Police Station Case No. 263 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure as well as
subject to the following conditions:-

(a) The petitioners shall fully cooperate with the
investigation/trial of the case, failing which the learned court
below shall be at liberty to cancel the bail bond of the
petitioners.

(b) Both the bailors shall be resident of territorial
jurisdiction of the learned Court below.

(c) The petitioners shall not leave the country without
permission of the learned trial Court.

(Birendra Kumar, J)

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