

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52405 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- BACHHWARA District- Begusarai

1. Vijay Sah, Male, aged about 38 years, Son of Birchan Sah, Resident of Village-Chamtha number, Ward No. 3, Panchayat-3, P.S.-Bachhwara, District-Begusarai.
2. Uday Sah, Male, age 36 years, Son of Birchan Sah, Resident of Village-Chamtha number, Ward No. 3, Panchayat-3, P.S.-Bachhwara, District-Begusarai.

... .. Petitioners

Versus

1. The State of Bihar.
2. Anita Devi, aged wife of Adalat Rai, resident of Village-Chamtha Number, Panchayat-3, P.S. Bachhawara, District-Begusarai.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Sandip Kumar Gautam, Advocate.
For the State	:	Mr. Ajit Kumar, A.P.P.
For the O.P. No.	:	Mr. Hare Krishna Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Vide order dated 29.02.2020, prayer for anticipatory bail of petitioner no. 1, namely, Vijay Sah, has already been dismissed as infructuous as the petitioner no. 1 has been arrested during the pendency of the present anticipatory bail application.

Heard learned counsels for the petitioner no. 2, opposite party no. 2 and learned counsel for the State.



The petitioner no. 2, namely, Uday Sah, was granted provisional anticipatory bail on 16.11.2019 in a case for the offences registered under Sections 341, 323, 379, 307, 504, 506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the petitioner no. 2 alongwith other co-accused persons were cutting *Janera Crop* in the field of the informant with an intention to commit theft, when her husband objected then three accused persons assaulted her husband with *Lathi* and *Iron rod* with an intention to kill him and when she went to save her husband for further assault then petitioner and others have started to assault her with fist and Danda and also torn her cloth as a result of which, she became disrobed and during the scuffle, co-accused, Vijay Sao also fired from his pistol upon the prosecution side with an intention to kill them and thereafter they fled away.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Injury is on non-vital part of the body of the informant. No offence under Section 307 of the I.P.C. is made out. The alleged date of occurrence is 23.05.2019 as to when the



case was instituted on 27.05.2019. Delay has not been explained by the prosecution. There is case and counter case between the parties. The alleged occurrence is said to have taken place due to petty reason.

On behalf of the State and opposite party no. 2, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case, provisional anticipatory bail granted to petitioner no. 2, Uday Sah, vide order dated 16.11.2019, is hereby confirmed.

(Sudhir Singh, J)

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