

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85762 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KARAKAT District- Rohtas

SHIV KUMAR Son of Sidhi Sah Resident of Village- Gorari, P.S.- Karakat,
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 86061 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- KARAKAT District- Rohtas

1. MITHU SAH @ MITHALESH SAH Son of Late Dipa Sah Resident of Village - Gorari, P.S.- Karakat, Distt - Rohtas.
2. Baijnath Sah Son of Late Dipa Sah Resident of Village - Gorari, P.S.- Karakat, Distt - Rohtas.
3. Vijay Sah Son of Late Lakhan Sah Resident of Village - Gorari, P.S.- Karakat, Distt - Rohtas.
4. Chhotu Kumar @ Jitendra Kumar Son of Sri Bhagwan Sah Resident of Village - Gorari, P.S.- Karakat, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In both the cases)

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-02-2020 Since, both the cases arise out of same police station case number, hence, both are heard together and are being disposed of by this common order.



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

The petitioners seek pre-arrest bail in connection with Karakat P.S. Case No. 116 of 2019, registered under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

The accusation is that informant, Sita Ram Sharma, was present on his furniture shop, at that time, one boy of Mithu Sah (petitioner no. 1 of Cr. Misc. No. 86061 of 2019) was dashed by motorcycle rider, then, he reached on the road and saw that two boys have sustained injury. Both were sent to Primary Health Center, Ghorari, thereafter, he asked to his son to put the motorcycle in the side. After some time, six persons, named in the first information report, including the petitioners, came and asked why he saved the persons, who had been dashed, then, he replied that he had not saved the boys and also asked to carry the motorcycle, but, Mithu Sah and Baijnath Sah (petitioners no. 1 and 2 of Cr. Misc. No. 86061 of 2019) started to abuse and scuffle in which he fell down, then, they started to cause assault through lathi. When his son, Sonal Sharma, tried to save, then, he was caught hold by Vijay Sah (petitioner no. 3 of Cr. Misc. No. 86061 of 2019) and Govind Kumar and started to cause assault through lathi and stick. At that time



Shiv Kumar (petitioner or Cr. Misc. No. 85762 of 2019) assaulted him through iron rod, thereafter, all fled away from there.

Submission is that at the time of occurrence both sides sustained injury. More over, injuries as found on the person of the informant and his associate are all simple in nature. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Karakat P.S. Case No. 116 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Subdivisional Judicial Magistrate, Bikramganj, Rohtas, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

