

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31562 of 2020

Arising Out of PS. Case No.-271 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

1. Jay Prakash Shahi Son of Janardan Shahi Resident of Village- Siyarigarh, Police Station- Siwan Muffasil, District- Siwan.
2. Mukesh Shahi @ Abhinandan Sahi @ Abhinandan Kumar Son of Jay Prakash Shahi Resident of Village- Siyarigarh, Police Station- Siwan Muffasil, District- Siwan.
3. Abhishek Shahi Son of Jay Prakash Shahi Resident of Village- Siyarigarh, Police Station- Siwan Muffasil, District- Siwan.
4. Tribhunath Shahi Son of Raj Paltan Shahi Resident of Village- Siyarigarh, Police Station- Siwan Muffasil, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-03-2021 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

The petitioners have filed the instant application for grant of anticipatory bail in connection with Siwan Muffasil P.S. Case no. 271 of 2020 registered under sections 341, 323, 324, 308, 337, 379, 354, 509 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., petitioner no. 1 is stated to have assaulted the informant with an iron rod on his head with intention to kill, however it is stated that he received injuries on his ear. There is other overt acts against petitioner



nos. 2, 3 and 4.

It is submitted by learned counsel for the petitioners that on account of arrest of petitioner no. 4, the application for anticipatory bail so far as he is concerned was withdrawn on 26.02.2021. With respect to other petitioners, it is submitted that there is case and counter case between the parties, there is delay in lodging of the F.I.R. and the place of occurrence is close to the house of the accused persons. It is submitted that from the injury report of the informant brought on record as Annexure-3 to the petition it will transpire that the same does not support the allegations as levelled in the F.I.R. and in any case there was no intention to kill.

It is submitted by learned counsel for the petitioners that petitioners have no criminal antecedents.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from the fact that there is case and counter case between the parties, it is evident that the occurrence took place. The injury report supports the allegations levelled in the F.I.R. and from the subsequent injury report of informant of a government hospital in Darjeeling, it is submitted that the same speaks about head



injury being caused by petitioner no. 1 and the same has formed the basis of final report/charge sheet in the case.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners, the case and counter case between the parties, the injury report of the informant which is at Annexure-3 to the petition and the petitioners having no criminal antecedent, this Court is inclined to enlarge the petitioner nos. 1, 2 and 3 on anticipatory bail. The above named petitioner nos. 1, 2 and 3, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Siwan Muffasil P.S. Case no. 271 of 2020 are directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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