

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44040 of 2021

Arising Out of PS. Case No.-38 Year-2019 Thana- BHANGHA District- West Champaran

1. Sujeet Kumar Kushwaha @ Sujeet Kumar S/O Madan Kushwaha R/O Village-Pratap Pur Bhangaha, P.S-Bhangaha, District-West Champaran.
2. Sahim Mian S/O Late Majid Mian R/O Village-Siswa, P.S-Bhangaha, District-West Champaran.
3. Sheikh Akbar Mian @ Sk. Akbar Mian S/O Late Sheikh Karamat Mian R/O Village-Dhumatand, P.S-Bhangaha, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-12-2021

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks after complete start of the physical Court.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,324,342,379,504,506/34 of the Indian Penal Code.

Petitioner No.1-Sujit Kumar Kushwaha @ Sujeet Kumar allegedly caused injury at the head. Petitioner No.2-Sahim Kian is order-giver and petitioner No.3-Sheikh Akbar Mian @ Sk. Akbar Mian caused injury with Lathi at the non-vital part of the body.



Learned counsel for the petitioner submits that the Doctor has found simple injury on the head. The police submitted final form against the petitioners, however, the learned court below has taken cognizance disagreeing with the police report.

Considering the fact that petitioner No.1-Sujeet Kumar Kushwaha @ Sujeet Kumar had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Prayer is refused. He is directed to surrender within two weeks and pray for regular bail.

Let petitioner Nos.2 and 3, 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 Bhangaha Police Station Case No. 38 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) Petitioner Nos.2 and 3 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 petitioner Nos.2 and 3.

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

(c) Petitioner Nos.2 and 3 shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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