

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.237 of 2021

Arising Out of PS. Case No.-227 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. SHANKAR TANTI SON OF SHRI MAHENDRA DAS,
2. SAROJ DAS SON OF MAHENDRA DAS,
3. Pappu Das, s/o Kamo Das,
4. PRABHU DAS SON OF LATE KUSHO DAS,
5. Pankaj Das, S/o Sri Parmeshwar Das,
6. KAILASH DAS@KAILASH TANTI SON OF SHRI PARMESHWAR DAS,
7. Chhotu Das, S/o Mahendra DAS,
All RESIDENT OF VILLAGE-NARIYAR, TOLA-LATAHA, WARD NO-5,
P.S-SAHARSA, DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 10-12-2021 Heard the learned counsel for the petitioners and
learned APP for the State.

Learned counsel for the petitioners is directed to
remove all the defects pointed out by the office within one
month.

Learned counsel for the petitioners seeks permission
to withdraw this application in respect of petitioner no. 5,
namely Pankaj Das who has been arrested.

Permission is granted. The petition is dismissed as



withdrawn as against petitioner no.5.

The petitioners are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 227/2020, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 427, 504, 506 and 34 of the Indian Penal Code.

As per FIR, Nirmal Kumar, the informant was going by a motorcycle with one pillion rider Baidyanath Yadav and when they reached near the house of Biko Das, all the accused persons named in the FIR surrounded them. Further allegation is that petitioner no.2, namely, Saroj Das, inflicted rod blow on the head of the informant and the allegation against petitioner no.7, namely Chhotu Das, is that he inflicted farsa blow on the head of pillion rider Baidyanath Yadav. Petitioner no.3 snatched a golden chain worth Rs.40,000/- from the informant and petitioner no.6 also snatched Rs.10,000/- cash from Baidyanath Yadav.

Learned counsel for the petitioners submits that the allegations of snatching money and ornaments have been levelled only for making the offence more serious. He has further submitted that the photocopy of the injury report of the informant is Annexure-2/1, which shows that the injuries were caused by hard and blunt substance and are simple in nature,



whereas the injuries sustained by Baidyanath Yadav are concerned i.e. injury no. 1 is grievous in nature and injury no. 2 is simple in nature caused by hard and blunt substance. He has submitted that injury no.1 is lacerated wound of 1 ½ ”x ½ ” X ¼ ” on the middle parietal part of the head.

Learned APP for the State vehemently opposed the prayer for anticipatory bail.

In the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 2, 3, 4 and 6, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 227/2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as petitioner no. 7, namely, Chhotu Das is concerned, the allegation against him is of causing farsa below to Baidyanath Yadav, who sustained grievous injury in nature. As such his prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the



petitioners within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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