

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72259 of 2019

Arising Out of PS. Case No.-304 Year-2019 Thana- SIWAN CITY District- Siwan

1. RAYEES SAH @ MD. RAYEES Son of Meer Hasan Sah Resident of Village - Ismail Sahid Takiya, P.S.- Sarai O.P., District - Siwan.
2. Mojahid Sah @ Mojahid Son of Anwar Sah Resident of Village - Ismail Sahid Takiya, P.S.- Sarai O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey
For the State	:	Mr.Dinesh Singh, APP
for the Informant	:	Mr. Javed Aslam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 03-03-2021 Heard Mr. Ranjan Kumar Dubey, the learned counsel for the petitioners, Mr. Dinesh Singh, the learned APP, and Mr. Javed Aslam, the learned counsel for the informant.

The petitioners apprehend their arrest in Siwan Town (Sarai O.P.) P.S. case No. 304/2019 registered under Section 341, 323, 324, 307, 504, 506 of the IPC.

Md. Akhtar @ Md. Ali, the informant, named the two petitioners along with three others and alleged that they all entered into his house and began to assault the informant stating that they got share in the house. Mojahid Sah, petitioner No.2, is said to have assaulted the informant with Daab on his head. When the father of informant, namely, Maqbul Sah, came to



save Rayees Sah, petitioner No.1, assaulted Maqbul Sah with sword on his head.

The learned counsel for the petitioners submits that there is counter version being Town P.S. case No. 303 of 2019. On account of land dispute both sides entered into scuffle and made assault on each other. It is further submitted that Mojahid Sah is alleged to have assaulted the informant with Daab and Rayees Sah is alleged to have assaulted the father of the informant with sword but from perusal of injury report, it would appear that the informant got one lacerated wound caused by hard blunt substance and father of the informant got four injuries which are also caused by hard and blunt substance. The doctor opined the injuries to be simple in nature.

The learned APP as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail but at the same time very fairly submit that injuries found on the person of injured are opined to be simple in nature.

Taking into consideration the fact that there is case and counter case and on account of assault said to have been made by the petitioners simple injuries were found on the person of informant and his father, the petitioners, above named, in the event of their arrest/ surrender before the court below



within a period of four weeks from the date of receipt/
production of a copy of this order are directed to be enlarged on
bail on their furnishing bail bond of Rs. 10,000/- (rupees ten
thousand) each with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Siwan in
connection with Siwan Town (Sarai O.P.) P.S. case No.
304/2019, subject to conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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