

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11788 of 2021

Arising Out of PS. Case No.-757 Year-2019 Thana- MADHAURAH District- Saran

1. ANIL SAH, Son of Shankar Sah Resident of Village - Baijnath Chapra, P.S.- Bairiya, District - Balia (U.P.) Presently residing at Village - Sihoriya, P.S.- Marhowrah, District - Saran
2. Bablu @ Babloo Sah, Son of Basawan Sah Resident of Village - Baijnath Chapra, P.S.- Bairiya, District - Balia (U.P.) Presently residing at Village - Sihoriya, P.S.- Marhowrah, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-02-2022 Heard Mr. Basant Kumar Singh, learned Advocate

for the petitioners and Mr. Narendra Kumar Singh, learned

APP for the State.

Mr. Singh seeks permission to withdraw the

application with respect to petitioner no. 1 who has been

arrested during the pendency of this bail petition.

The application with respect to petitioner no. 1 is

dismissed as having become infructuous.

The petitioner no. 2 seeks bail in anticipation of his

arrest in connection with Marhowrah P. S. Case No. 757 of

2019, dated 08.11.2019, instituted for the offences under



Sections 341, 326, 307, 506, 34 and 379 of the Indian Penal Code.

It appears from the F.I.R. that one Sunil Sah gave a knife blow to the informant in his stomach as a result of which he was injured. Another accused, namely, Shankar Sah is said to have taken away the proceeds of the sale of fish of that day from the informant. Later, with the help of local people, the informant was brought to the hospital for his treatment. The informant has admitted in the F.I.R. that the accused persons are his relatives and there was some dispute in the past with respect to sale proceeds of a buffalo.

So far as the petitioner is concerned, it has been argued that except for his being named in the F.I.R., there is no overt act attributed to him.

The petitioner no. 2 has been made accused in this case because of his sympathies and association with other accused persons of this case with whom the informant has some dispute from the past.

Considering the afore-noted facts, the petitioner



no. 2, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Marhowrah P. S. Case No. 757 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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