

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20956 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- EKMA District- Saran

1. Sanjay Sah @ Sanjay Kumar Sah, Son Of Late Jaleshwar Sah Resident Of Village- Mane, P.S.- Ekma, District- Saran.
2. Paramshila Devi, Wife Of Sanjay Sah @ Sanjay Kumar Sah (wronlgy Mentined In The First Information Report As Wife Of Dhananjay Sah), Resident Of Village- Mane, P.S.- Ekma, District- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh
For the State	:	Mr. Anuj Kumar Shrivastava
For the Informant	:	Mr. Tej Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 13.11.2021 at around 2.30 P.M. when he and his family members were in their house when Ajay Kumar Sah along with the accused persons including the petitioners came and started abusing, when the informant objected, it is alleged that Ajay Kumar Sah assaulted with an



iron rod on his head causing several injuries and he fell down and when his brother Arvind Kumar Sah came to save him, the accused persons including the petitioners started assaulting him and the informant with lathi, danda and fists.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that specific allegation of assault is against Ajay Kumar Sah. It is next submitted that as far as these petitioners are concerned, against them the allegation of assault is general and omnibus in nature. It is also submitted that petitioners and the informant are living jointly in a house. It is further submitted that the F.I.R. does not record any motive or reason for the occurrence. It is thus submitted that no occurrence takes place without any motive. It is also submitted that on account of dispute relating to property, the petitioners have been falsely implicated when there is specific allegation of assault against Ajay Kumar Sah.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, The learned counsel for the informant submits that though there is no specific allegation of assault against the petitioners, but then the informant has received injuries on his head and eye.



Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten 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 Ekma P. S. Case No.448 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if any application is filed by the police bringing to the notice of the learned trial Court that the petitioners are not co-operating in the investigation, then the learned trial Court after issuance of notice may pass order in accordance with law.

(Satyavrat Verma, J)

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