

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35808 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- BIHIA District- Bhojpur

1. SAROJ SAH SON OF LATE KAMAL SAH Resident of Village- Sunderpur Barja, P.S.- Bihiya, District- Bhojpur.
2. SONU SAH SON OF SAROJ SAH Resident of Village- Sunderpur Barja, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner no.2

Permission is accorded.

The petitioner no.1 apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that on 04.04.2022, the petitioner started abusing and assaulting



the informant and when the informant objected, the petitioner assaulted by *lathi* causing injury on his head and when mother of the informant came to save him, the accused persons assaulted her also and snatched Rs. 15,000/- from the pocket of the informant along with a gold chain.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the informant is son of maternal uncle of the petitioner but this relationship has been concealed in the FIR, it is further submitted that petitioner has instituted Title Suit No. 528 of 2021 in the court of learned Sub-Judge-I, Arrah against the father of the informant claiming 1/3 share in the property of his maternal grandfather. Learned counsel further submits that no reason or motive for the occurrence has been assigned in the FIR, further the date of occurrence is 04.04.2022 and the FIR has been instituted on 08.04.2022 i.e., after a delay of four days without any plausible explanation. Learned counsel further submits that from perusal of Annexure-6 to the anticipatory bail application it would manifest that even the injury suffered by the informant is simple in nature caused by hard and blunt substance and even the blow was not repeated and in nature of dispute, as aforesaid, the petitioners appears to have been falsely



implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihiya P.S. Case No. 125 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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