

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72084 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- MANJHAGARH District- Gopalganj

1. Upendra Sah S/o Ram Chandra Sah,
 2. Kamlesh Sah S/o Surendra Sah,
 3. Biresh Sah S/o Ram Prit Sah,
- All are resident Village- Pratappur Tola Surwaniya, P.S.- Manjhagarh,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

This is an application for grant of anticipatory bail in
connection with Manjhagarh P.S. Case No. 143 of 2021
registered for the offences punishable under Sections 341, 323,
324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

Allegation against Petitioner nos. 1 and 2 is of
assaulting the informant with lathi causing injury on his back
and waist, when his wife Rita Devi came to rescue him then co-



accused Gautam Sah assaulted farsa blow on her head causing injury to her and petitioner no. 3 gave knife blow on her left hand causing arm injury and petitioner no. 1 snatched her ear tops worth Rs. 10,000/-.

Learned counsel for the petitioners submits that F.I.R. was lodged after two days of the alleged occurrence without any plausible explanation of such delay and the injury report of the informant shows that he has got only one simple injury caused by the hard and blunt substance and the allegation against the petitioner no. 3 Biresh Sah to give knife blow on left arm of the wife of the informant is also not corroborated by the injury report which shows swelling and complain of pain in left forearm caused by hard and blunt substance. Thus, the prosecution story is not corroborated by the injury report and allegation of snatching ear tops by petitioner no. 1 is super addition and there is a land dispute between the parties and the petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioners.

Considering the aforesaid facts that the F.I.R. has been lodged after two days of occurrence without any plausible explanation of such delay, prosecution story is not corroborated



by the injury report and petitioners have no criminal antecedent, let the petitioners, above named, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 143 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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