

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9399 of 2023

Arising Out of PS. Case No.-117 Year-2022 Thana- SHYAMPUR BHATHA District- Sheohar

1. Bhushan Kumar Son Of Bhikhari Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
2. Kedar Sah Son Of Khelawan Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
3. Raj Kumar @ Rajan Kumar Son Of Shivji Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
4. Satyendra Sah @ Satyendra Kumar Son Of Janki Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
5. Meghu Sah Son Of Dahaur Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
6. Prince Kumar Son Of Harinder Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
7. Sanjay Sah Son Of Jag Narayan Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar
8. Shivji Sah Son Of Late Ram Chandar Sah R/O Vill.- Dhanhara, P.S.- Sheyampur Bhathan, Distt.- Sheohar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 At the outset, learned counsel for the petitioners submits that petitioner nos. 5 and 6 have been arrested, hence, this application on their behalf has become infructuous.

This application now survives for petitioner nos. 1 to 4, 7 and 8 respectively.

Heard learned counsel for the petitioners and learned APP for the State.



The petitioners, in the present case, are seeking pre-arrest bail in connection with Sheyampur Bhathan P.S. Case No. 117/2022 registered for the offences punishable under Sections 341, 323, 324, 307, 448, 504/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was doing soil work in the meantime all the accused persons came there and attacked on him by means of knife, lathi, iron rod and sword. They were pattidars of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that both the sides are pattidars and they had some altercation with regard to land disputes.

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

Having regard to the facts and circumstances of the case the specific allegations of use of deadly weapon and assault against petitioner nos. 1 and 3 causing multiple injuries to the informant, thus, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos. 1 and 3.



The prayer for anticipatory bail of petitioner nos. 1 and 3 is, thus, refused.

In case, the petitioner nos. 1 and 3 surrender in the learned court below and prays for regular bail within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit.

So far as petitioner nos. 2, 4, 7 and 8 are concerned, considering the allegations against them and no specific assault attributed to the injured and the kind of weapon in their hand, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 2, 4, 7 and 8 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 2, Sheohar in connection with Sheyampur Bhathan P.S. Case No. 117/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2, 4, 7 and 8 and in case at any stage it is found that the petitioner nos. 2, 4, 7 and 8 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2, 4,



7 and 8. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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