

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27168 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. LALAN SAH @ LALAN SAHU @ SATYANARAYAN SAH @ SATYANARAYAN SAHU SON OF UTTIM LAL SAH @ UTTIM LAL SAHU RESIDENT OF VILLAGE- PARSA, PS- JHANJHARPUR, (A.S.O.P.) DISTT- MADHUBANI
2. UJJAWAL SAHU @ RUPAK SAH @ RUPAK SAHU SON OF LALAN SAH @ LALAN SAHU @ SATYANARAYAN SAH @ SATYA NARAYAN SAHU RESIDENT OF VILLAGE- PARSA, PS- JHANJHARPUR, (A.S.O.P.) DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. The informant alleges that on hearing an alarm he went outside his house and saw that four named accused along with 4-5 unknown accused were assaulting his brother, it is next alleged that petitioner no. 1 assaulted the brother of the informant with spade causing injury on head along with Nirbhay who assaulted his brother with farsa causing injury on head and



rest of the accused assaulted the brother of the informant with lathi, legs and fists.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that petitioner no. 1 along with Nirbhay assaulted his brother, it is thus submitted that petitioner no. 1 is alleged to have assaulted his brother with spade while Nirbhay is alleged to have assaulted with farsa, it is further submitted that though allegation of assaulting is by two persons but the brother of the informant suffered only one injury, as such, it cannot be alleged with certainty that whether it was petitioner no. 1 or Nirbhay who was instrumental in the assault. It is next submitted that allegation against petitioner no. 2 is general and omnibus in nature.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the allegation it would manifest that allegation of assaulting the brother of the informant is against petitioner no. 1 and Nirbhay and the injury suffered by the injured is grievous in nature, now whether petitioner no. 1 assaulted or Nirbhay



assaulted is a matter of investigation.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 1.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioner no. 2, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jhanjharpur (ASOP) P.S. Case No. 160 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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