

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39395 of 2023

Arising Out of PS. Case No.-163 Year-2021 Thana- JOGAPATTI District- West Champaran

1. Deepak Kumar, Son of Vinod Sah @ Bhagwan Sah Resident of village - Manopatti Puraina, P.S. - Jogapatti, Distt. - West Champaran
2. Bhagwat Sah, Son of Sarikha Sah Resident of village - Manopatti Puraina, P.S. - Jogapatti, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Jogapatti P.S Case no. 163 of 2021 registered under sections 307, 341, 323, 324, 354, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, nine named accused persons including the two petitioners herein are said to have come at the door of the informant and started to abuse her. It is stated that the petitioner no.2 struck the husband of the informant with an iron rod seriously injuring him. Further, the petitioner no.2 and two others forced the informant on the



ground and also disrobed her. The informant further states that the petitioner no.1 and one another struck her son with an iron rod.

4. It is submitted by learned counsel for the petitioner that the petitioners have been falsely implicated in the case. So far as the injury attributable to the petitioner no.2 is concerned, out of the three injuries only one has been found to be grievous and the same is not on the head. So far as the injury attributable to the petitioner no.1 is concerned, the same has been found to be simple in nature besides being attributable to two accused persons. The petitioners have no criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation wherein the injury attributable to the petitioner no.2 has been found to be grievous in nature besides being on a vital part of the body, the Court is not inclined to enlarge the petitioner no.2 namely Bhagwat Sah on anticipatory bail and the application is rejected.

7. In view of the facts and circumstances of the case, together with the injury attributable to the petitioner no.1 along with one other having been found to be simple in nature, it is directed that the petitioner no.1 namely Deepak Kumar in the



event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Jogapatti P.S Case no.163 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, District- West Champaran subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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