

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40136 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- DORIGANJ District- Saran

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1. NAND GOPAL SAH SON OF LAXMI SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA
 2. PRADEEP SAH SON OF LAXMI SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA
 3. RAM BADAN SAH SON OF LAXMI SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA
 4. AMARESH SAH SON OF LAXMI SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA
 5. SARBJET SAH @ SARJEET SAH SON OF RAM BADAN SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA
 6. SUNNY SAH SON OF RAM BADAN SAH RESIDENT OF VILLAGE DHARMPURA PS DORIGANJ DISTRICT SARAN AT CHHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 02-08-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners submits that during the pendency of this application, the petitioner no. 1 was arrested. Accordingly, this application, with respect to the petitioner no. 1, has now, become infructuous.



The application with respect to the petitioner no. 1 is dismissed as having become infructuous.

This application with respect to the petitioner nos. 2 to 6, for grant of anticipatory bail, arises out of Doriganj Police Station Case No. 11 of 2023, dated 14.01.2023, disclosing offences under Sections 307/341/324/379/504/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that on 11.01.2023, at about 06:30 PM, due to some dispute related with chicken, all the accused persons came near the place of occurrence and started assaulting the informant with iron rod, danda, lathi, etc., It has further been alleged that petitioner no.1-Nand Gopal Sah and petitioner no. 2-Pradeep Sah assaulted the informant by means of sword on his head and petitioner no. 6-Sunny Sah snatched the mobile phone from the informant.

Learned Counsel for the petitioner submits that the present occurrence has taken place on a trivial issue inasmuch as the quarrel had taken place between both the sides on the point of chicken. He further submits that counter case, bearing Doriganj Police Station Case No. 10 of 2023, has been lodged by the side of the petitioner against the informant and others



under Section 307 and allied sections of the Indian Penal Code. He next submits that injury caused to the informant is simple in nature and the doctor has opined that the same is caused by hard and blunt substance, whereas, the allegations against the petitioner nos. 1 and 2 is that they have assaulted the informant by means of sword, which is a sharp cutting weapon and allegations against the other accused persons are general and omnibus in nature.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is case and counter case between the parties, the occurrence has taken place on a trivial issue and injury caused to the informant is simple in nature by hard and blunt substance, I am inclined to grant the petitioner nos. 2 to 6 privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner nos. 2 to 6 in the event of their arrest or surrender before the Court below within four weeks, be released 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 the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Doriganj Police Station Case No. 11



of 2023, subject to the condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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