

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65720 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Shiv Shankar Sah Son Of Ramayan Sah Resident Of Village- Usuri, Ps- G.B. Nagar, Distt- Siwan
 2. Ramayan Sah Son Of Late Hira Sah Resident Of Village- Usuri, Ps- G.B. Nagar, Distt- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Dhramveer, Advocate
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP
For the O.P. No.2 :	Mr. Uday Bhan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with G.B. Nagar P.S. Case No. 272 of 2023 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 13.07.2023 all the accused persons including the petitioners came at informant's door and started abusing and upon protest by the informant's father-in-law, petitioner no. 1 assaulted him by a spade on his hand and thigh, when Rani Devi came to rescue, she was also



assaulted by the petitioner no. 1 on head by spade and the other accused persons snatched *mangalsutra* and chain from female members of the family.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner no.2.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that there is direct allegation against petitioner no.1 of assaulting the informant and Rani Devi by hard and blunt object causing them serious injuries.

6. Having regard to the facts and circumstances of the case wherein the only allegation against the petitioner no.2 is that he is an order giver, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner no.2 above named be released on bail in connection with G.B. Nagar P.S. Case No. 272 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.2. 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.

8. So far as petitioner no.1 is concerned, there is an allegation that he had assaulted the father-in-law of the informant Amlavati Devi and one Rani Devi, this Court has noticed that Bijali Shah has been inflicted four injuries; three by hard and blunt substance and one by a sharp object, allegation against this petitioner is that he was assaulting the informant's father-in-law by a spade and he received multiple injuries, therefore, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.1. His prayer for anticipatory bail is refused.

9. However, in case the petitioner no.1 surrenders and prays for regular bail in the learned court below within a period of six weeks from today, the learned court below shall consider his prayer for regular bail keeping in view the counter case lodged by the wife of petitioner no.1 and the injury said to have



been inflicted upon the son of the informant in the said case.
Consideration for regular bail must be on its own merit without
being prejudiced by order of this Court.

10. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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