

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70425 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- SIDHWALIYA District- Gopalganj

Birendra Sah Son Of Jagdeo Sah, resident of Village- Sher, P.S- Sidhwalia,
District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Sidhwalia P.S. Case No. 103 of 2023 dated 29.03.2023 instituted for the offence punishable under Sections 341, 323, 307, 504, 506, 447/37 of the Indian Penal Code.

3. The prosecution case, in short, is that an altercation took place due to dispute of Rs. 200/- which was being demanded by the co-accused Golu Kumar from the informant which was being incurred towards repairing of bicycle of the informant. On 26.03.2023 at about 08.20 hrs, the informant was sitting near a well. In the meantime, all the accused persons including the petitioner armed with Lathi-Danda, rod and Tangi (axe) came there and surrounded the informant and started



demanding Rs. 200/- while abusing. The informant said that he will give the money at the time of Panchayati. During the said period, petitioner inflicted Tangi (axe) blow on the head of the informant causing head injury. Accused Ankit Kumar assaulted him by fists and slaps. When the informant's son Kamlesh Kumar rushed to save himself, accused Rekha Devi and Usha Devi and other accused persons surrounded him and assaulted, as a result, he sustained injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is case and counter case between the parties. Learned counsel for the petitioner submits that there is specific allegation against the petitioner that he assaulted with Tangi (axe) on the head of the informant, but the injury report of the informant shows that injury is simple in nature caused by hard and blunt object. It is submitted that First Informant Report has been lodged with delay of three days without any explanation. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sidhwalia P.S. Case No. 103 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st , Gopalganj subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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