

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1289 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SHAHKUND District- Bhagalpur

CHANDAN SAH Son of Baldev Sah @ Bale Sah Resident of village -
Hajipur, P.S.- Sajour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1329 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SHAHKUND District- Bhagalpur

1. BALDEV SAH @ BALE SAH S/o Late Kauri Sah R/v- Hajipur, P.S.-
Sajour, District- Bhagalpur
2. KUNDAN SAH S/o Baldev Sah @ Bale Sah R/v- Hajipur, P.S.- Sajour,
District- Bhagalpur
3. SOHAN SAH S/o Baldev Sah @ Bale Sah R/v- Hajipur, P.S.- Sajour,
District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1289 of 2023)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 1329 of 2023)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Shakhund (Sajour) P.S. Case No.
235 of 2022 registered for the offences punishable
under Sections 341, 323, 325, 307/34 of the Indian



Penal Code.

The allegation is regarding the petitioner of the 1st case i.e. Chandan Sah, upon being exhorted by the co-accused person, namely Baldev Sah, i.e. petitioner no. 1 of the 2nd case, had attacked the informant and given a lathi blow on his head resulting in him being injured, whereafter the other accused persons, including the petitioners of both the aforesaid two cases, are alleged to have also assaulted the informant.

At the outset, the learned counsel for the petitioners of both the aforesaid two cases seeks liberty on behalf of the petitioner of the 1st case i.e. Chandan Sah to enable him to surrender before the learned court below within a period of four weeks from today and file appropriate petition for grant of regular bail, however, seeks a direction upon the learned trial court to consider and dispose off the bail petition, to be filed by the said Chandan Sah, on the very same day.

It is directed accordingly.

Accordingly, the bail petition bearing



Criminal Misc. No. 1289 of 2023 stands disposed off as not pressed.

As far as the petitioners of the 2nd petition i.e. Criminal Miscellaneous No. 1329 of 2023 are concerned, it has been submitted by the Ld. Counsel for the petitioners that they have been merely alleged to have exhorted co-accused person Chandan Sah, whereupon the said Chandan Sah had assaulted the informant resulting in him sustaining grievous injuries.

The learned counsel for the petitioners of the 2nd case has further submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It has also been contended that as far as the said petitioners are concerned, they have not been alleged to have assaulted the informant and a general and omnibus allegation has been levelled qua them, hence they be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of



anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners of the second case and they are having a clean antecedent, I deem it fit and proper to admit the petitioners of the petition bearing Criminal Miscellaneous No.1329 of 2023 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1 to 3 of Criminal Miscellaneous No. 1329 of 2023, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/successor court, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No.



235 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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