

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20362 of 2024

Arising Out of PS. Case No.-657 Year-2023 Thana- HARSIDHI District- East Champaran

1. Chandradeo Sah S/o Late Sukhdeo Sah R/o vill - Murarpur, P.S. - Harsidhi, Distt. - East Champaran
2. Inardeo Sah S/o Late Sukhdeo Sah R/o vill - Murarpur, P.S. - Harsidhi, Distt. - East Champaran
3. Kashi Sah S/o Late Harihar Sah R/o vill - Baishakhawa, P.S. - Kesariya, Distt. - East Champaran
4. Lal Bahadur @b Lal Bahadur Sah S/o Late Kishun Sah R/o vill - Chailanha Kudhiya, P.S. - Banjariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 657 of 2023 for the offence registered under sections 341, 323, 324, 379, 354, 504, 506, 447 and 34 of the Indian Penal Code lodged on 14.11.2023 by the informant, Rajkishore Prasad.

3. As per the prosecution story, the informant alleged that the accused persons came to his door and started abusing. Upon objection, assault took place. The allegation against



petitioner no. 1 is of giving sword blow to the informant, causing head injury as also on the right side of the chest. Regarding petitioner no. 3, the allegation is of giving *tengari* blow to his son against on the chest while omnibus allegation petitioner no. 2 as also Lal Bahadur and Sonalal of using *lathi* and *bhala*. The further allegation is of taking away Rs. 50,000/- as also some ornament. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that though there is allegation against the petitioners herein, the injuries have been found to be simple in nature

5. Learned APP for the State, on the other hand, points out that a bare perusal of the learned Sessions Judge order would show that the injury on the head of the informant has been found to be 2”X1/3” which cannot come in the category of simply injury.

6. Considering the aforesaid injury that has been inflicted by petitioner no. 1, Chanardeo Sah, his anticipatory bail application stands rejected.

7. So far as the petitioner nos. 2 to 4, namely Inardeo Sah, Kashi Sah and Lal Bahadur @ Lal Bahadur Sah are concerned, there is omnibus allegation against them, injury is found to be simple in nature and they do not have criminal



antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 2 to 4, namely Inardeo Sah, Kashi Sah and Lal Bahadur @ Lal Bahadur Sah in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 657 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 to 4, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2 to 4 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner nos. 2 to 4 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 to 4 shall in no way try to



induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioner nos. 2 to 4 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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