

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17623 of 2024

Arising Out of PS. Case No.-780 Year-2023 Thana- SIKARPUR District- West Champaran

1. Amirka Sah @ Amerika Sah @ Amiraka Sah Son Of Late Munshi Sah Resident Of Village- Murali Parariya Ward No. 10, Ps- Shikarpur, Distt- West Champaran
2. Pramod Sah Son Of Ramchandra Sah Resident Of Village- Murali Parariya Ward No. 10, Ps- Shikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Shikarpur P.S. Case No. 780 of 2023 dated 02.10.2023 instituted for the offence punishable under Sections 447, 341, 323, 324, 307, 354(B), 379, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioner no. 1 is that he assaulted the informant by means of Farsa, Garasi, which caused injury on his head. Petitioner no. 2 assaulted the brother of the informant by knife which caused injury on his wrist. He also tore the clothes of the wife of the informant, as a result she found disrobed herself.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the side are agnates. There is case and counter case and both the parties received injuries. Learned counsel for the petitioners submits that petitioner no. 1 and his son have also received injuries caused by informant's side. Learned counsel for the petitioners submits that petitioner no. 1 has lodged a case bearing Shikarpur P.S. Case No.781 of 2023 on 02.10.2023 under Section 307 and its allied sections against the informant's side. Learned counsel for the petitioners submits that injuries sustained by Birendra Sah and Ramprit Sah is simple in nature caused by heavy and sharp edged objects. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedents while petitioner no. 2 has one criminal case against him.

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

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 petitioners within a period of six weeks from today, in connection with Shikarpur P.S. Case No. 780 of 2023, they will be released on bail upon furnishing



bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, District- West Champaran subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be



at liberty to move for cancellation of bail.

(Khatim Reza, J)

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