

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21407 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- DARAUNDA District- Siwan

1. Badshah Sah S/o Late Sukhdev Sah R/o Village - Nawalpur, P.S. - Daraunda, Dist. - Siwan
2. Jitendra Sah @ Jitendra Kumar Sah @ Happy Sah S/o Badshah Sah R/o Village - Nawalpur, P.S. - Daraunda, Dist. - Siwan
3. Mukul Sah @ Mukul Kumar S/o Badshah Sah R/o Village - Nawalpur, P.S. - Daraunda, Dist. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Daraunda P.S. Case No. 307 of 2023 for the offence under Sections 341, 447, 323, 324, 325, 307, 504 and 34 of the I.P.C. lodged on 30.09.2023 by the informant, Om Prakash Prasad.

3. As per the prosecution story, the allegation is that on the occasion of Vishwakarma Puja, when they were celebrating, the accused persons armed variously came and petitioner No. 1 Badshah Sah assaulted the informant with sharp cut weapon, the petitioner No. 2 assaulted with sword on the



head while Happy Sah and Rakesh Sah assaulted Ramesh Ram. Amit kumar was assaulted by the petitioner No. 3 (Mukul Sah) and Nipul Sah. They were taken to Primary Health Center, Maharajganj and then to PMCH, Patna. Later, the informant was shifted to Tara Hospital, Patna whereafter the FIR was lodged.

4. Learned counsel for the petitioners submit that there is case and counter-case, both sides have sustained injuries. Though, he concede that the petitioners have criminal antecedent.

5. Learned APP on the other hand pointed out that both the injuries sustained by the informant caused by the petitioner Nos. 1 and 2 have been found to be grievous in nature.

6. In that background, there anticipatory bail application stands rejected.

7. So far as the petitioner No. 03 namely, Mukul Sah @ Mukul Kumar is concerned, though he has assaulted Amit Kumar, there is no such injury report nor anything has come in the learned Sessions Judge order. In that background, this Court is inclined to grant him privilege of anticipatory bail with conditions.

8. Let the petitioner No. 3 (Mukul Sah @ Mukul



Kumar) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Siwan in connection with Daraunda P.S. Case No. 307 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner No. 3 (Mukul Sah @ Mukul Kumar) should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner No. 3 (Mukul Sah @ Mukul Kumar) 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 No. 3 (Mukul Sah @ Mukul Kumar) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No. 3 (Mukul Sah @ Mukul Kumar) 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 the bail bonds;
(v) the petitioner No. 3 (Mukul Sah @ Mukul Kumar)
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)

Adnan/-

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