

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47340 of 2024

Arising Out of PS. Case No.-644 Year-2023 Thana- AMARPUR District- Banka

1. Gurucharan Sah @ Gulcharan Sah @ Gulcharan, Sao Son Of Basudeo Sah Village- Bhalur, P.S.- Amarpur, Distt.- Banka
2. Mangal Sah @ Mangal Kumar Sah @ Mangal Sao, Son Of Suro Sah @ Suro Sao Village- Bhalur, P.S.- Amarpur, Distt.- Banka
3. Mitthu Sah @ Mithun Sah @ Mitthu Sao @ Mithun Kumar Son Of Suro Sah @ Suro Sao Village- Bhalur, P.S.- Amarpur, Distt.- Banka
4. Suro Sah @ Suro Sao Son Of Shiv Charan Sah Village- Bhalur, P.S.- Amarpur, Distt.- Banka
5. Munna Sah @ Munnu Sah @ Munnu Sao Son Of Basudeo Sah Village- Bhalur, P.S.- Amarpur, Distt.- Banka

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 27-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, Mangal Sah @ Mangal Kumar Sah @ Mangal Sao and petitioner no.3, Mitthu Sah @ Mithun Sah @ Mitthu Sao @ Mithun Kumar.
3. Permission is accorded.
4. Accordingly, instant petition is dismissed as



withdrawn with respect to petitioner no.2, Mangal Sah @ Mangal Kumar Sah @ Mangal Sao and petitioner no.3, Mitthu Sah @ Mithun Sah @ Mitthu Sao @ Mithun Kumar.

5. The petitioner nos.1, 4 and 5 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

6. The learned counsel for the petitioners submits that the petitioner no.1 and 4 are persons with clean antecedent and petitioner no.5 has antecedent of one case and the informant alleges that on 25.09.2022, Gurucharan Sah was constructing a stair case in front of his house, on objection all the named accused persons including the petitioners came variously armed and Ramdeo assaulted the informant by Axe causing injury on his leg, thereafter Mangal and Mithu assaulted his nephew by an iron rod on his head. Thereafter, Gurucharan Sah and Sanjay assaulted one Ganauri Sah by lathi. Thereafter, it is alleged that all the accused assaulted the informant and his nephew and Munna Sah fired from his country-made pistol during the altercation, it is alleged that Munna earlier also had injured his nephew by firearm for which a police case was instituted.

7. The learned counsel for the petitioners submits that



from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of a trivial dispute, the occurrence is alleged to have taken place. It is also submitted that though Mangal and Mithu are alleged to have assaulted the nephew of the informant by an iron rod on head, but then, he suffered injury on shoulder, but then, fairly submits that the injury was grievous. It is also submitted that the injury suffered by the informant is also grievous, but then, the same was inflicted by Ramdeo Sah and as far as other petitioners are concerned, the allegation against them are general and omnibus in nature. It is also submitted that Munna was earlier implicated in a false case with an allegation that he fired and injured the nephew of the informant, as such, in the present case also ornamental allegation of firing is alleged, when no one was injured

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P. S. Case No.644 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

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