

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48800 of 2024**

Arising Out of PS. Case No.-30 Year-2020 Thana- SIMULTALLA District- Jamui

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1. Kamal Sah Son Of Sri Huro Sah Resident Of Village - Nawadih, Telwa Bajar, P.S. - Simultalla, District - Jamui
 2. Niwash Kumar Sah @ Niwash Kumar Son Of Kamal Sah Resident Of Village - Nawadih, Telwa Bajar, P.S. - Simultalla, District - Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 08-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Simultalla P.S. Case no. 30 of 2020 registered under sections 307, 341, 323, 338, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that on his plucking mangoes, six named accused persons including the petitioners herein started to abuse him. On protest by the informant, the two petitioners herein assaulted the



informant as also his brother leading to injuries.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case over a trivial dispute between *gotiyas* which would be evident from the contents of the F.I.R itself. Referring to the injury reports brought on record as Annexure-P/3 series it is submitted that the injuries were found to be simple in nature and police also submitted charge-sheet under sections 341, 323, 338, 504, 506 and 34 of the Indian Penal Code, however the learned trial Court took cognizance also under section 307 of the Indian Penal Code. It is submitted that no case under section 307 of the Indian Penal Code is made out against the petitioners. The petitioners have no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the contents of the injury reports, charge-sheet not having been submitted under section 307 of the Indian Penal Code though subsequently cognizance was taken thereunder and the petitioners not having any criminal antecedent, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four



weeks, be released on anticipatory bail in connection with Simultalla P.S. Case no. 30 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jamui.

(Partha Sarthy, J)

Harsh/-

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