

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55972 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- BIHRA District- Saharsa

=====

Santosh Sah @ Santosh Kumar Sah Son of Bhutan Sah R/o Village - Daurma
Ward No.- 06, P.S.- Bihra, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md Harun Quareshi, Advocate.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Md. Harun Quareshi, learned counsel

appearing on behalf of the petitioner and Mr. Ram Sevak

Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bihra P.S. Case No. 06 of 2023 registered for the offence
punishable under Sections 341, 323, 324, 354(B) and 504/34 of
the Indian Penal Code.

3. As per the allegation made in the F.I.R., due to
dispute relating to Kadam tree, the petitioner and the informant
who are gotiya entered into hot argument and in the said course,
specific allegation against the petitioner is that he had
mercilessly assaulted the informant repeatedly by iron rod on
her head and other family members.

4. Learned counsel appearing on behalf of the
petitioner submitted that there is case and counter case between
the parties arising out of the same incidence. Due to dispute



with regard to Kadam tree, they entered into hot argument. He further submits that the petitioner has availed the benefit of Section 41 Cr.P.C., however charge sheet has been submitted under bailable sections.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R., in absence of any injury report, I find it proper to direct the learned District Court to verify the medical report in respect of the treatment of the informant and if it is found that the allegation levelled against the petitioner is not substantiated by any evidence, then in that case, the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa in connection with Bihra P.S. Case No. 06 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.



8. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

