

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57094 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- KATEYA District- Gopalganj

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1. Vishwanath Singh @ Vishwanath Sah Son Of Late Moti Sah
 2. Shiv Nath Shah @ Shiv Nath Sah Son Of Late Moti Sah
 3. Ajaj Shah @ Ajay Sah @ Ajay Kumar Son Of Late Nagendra Sah
- All are R/V- Village- Bhagwanpur, P.S.- Kateya, Distt.- Gopalganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 06-08-2024 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, Vishwanath Singh @ Vishwanath Sah.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against petitioner no.1.

4. Heard learned counsel for the petitioners as well as learned APP for the State.

5. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under



Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the IPC in connection with Kateya P.S. Case No.02 of 2024.

6. The learned counsel for the petitioners submit that inadvertently at para-3 the criminal antecedent of petitioner no.3, Ajaj Shah @ Ajay Sah @ Ajay Kumar has not been recorded, but then is a person with clean antecedent and petitioner no.2, Shiv Nath Shah @ Shiv Nath Sah has antecedent of one case.

7. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature and the informant alleges that his father was brutally assaulted by the accused persons including the petitioner, but then allegation of assault is not specific, further the informant also alleges that his family members were also assaulted.

8. The learned counsel next submits that from perusal of the FIR, it would manifest that the injured were taken to PHC from where they were discharged, but the father of the informant was referred to Sadar Hospital, Gopalganj from where after treatment he was discharged, but then alleges that after his father was discharged, his condition deteriorated and while he was being taken to Gorakhpur for better treatment,



when he died on the way. The learned counsel next submits that petitioner no.2 is senior citizen, aged about 60 years and petitioner no.3 is a young boy, aged about 25 years and the allegation of assault is not specific. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove their innocence.

9. The learned APP opposes the anticipatory bail application.

10. 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 anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No.02 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court is not cooperating in the



investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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