

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64952 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- PIPRIYA District- Lakhisarai

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1. SAHUL KUMAR S/o Ghoghar Saw @ Ghonghar Saw Resident of Village-Malpur, Pipariya, P.S.-Pipariya, District-Lakhisarai.
 2. GHOGHAR SAW @ GHONGHAR SAW S/o Late Babulal Saw Resident of Village-Malpur, Pipariya, P.S.-Pipariya, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Pipariya P.S. Case No. 69 of 2023 for the offence registered under sections 341, 323, 307 and 34 of the Indian Penal Code lodged on 06.06.2023 by the informant, Manoj Kumar Saw.

3. As per the prosecution story, the informant alleged that due to minor dispute, the petitioner no. 1 gave blow from an iron '*katta*' on his head, causing injury. When the family members came to rescue, it is alleged that Ghoghar Saw also assaulted the two brothers. Accordingly, the FIR.



4. Earlier a co-ordinate bench on 17.10.2023 had called for the case diary and injury report.

5. Learned APP for the State pointed out that so far as the injury of informant is concerned, the injury on head has been found to be grievous in nature. However, he accepts that so far as the informant's brother is concerned, the injury has been found to be simple.

6. Learned Counsel for the petitioner submits that they do not have criminal antecedent.

7. Taking into account the fact that the injury inflicted by petitioner no. 1, Sahul Kumar to the informant on the head has been found to be grievous in nature, his anticipatory bail application stands rejected.

8. So far as the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw is concerned, an omnibus allegation is there against him of assaulting the informant's brother, the injury has been found to be simple in nature, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

9. Let the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on



anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisaria in connection with Pipariya P.S. Case No. 69 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw 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 his bail bond by the Trial court itself;

(iii) the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner no. 2, Ghoghar Saw @ Ghonghar Saw 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. 2, Ghoghar Saw @ Ghonghar Saw shall desist from committing any criminal offence again



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds.

(Rajiv Roy, J)

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