

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76135 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- PUNPUN District- Patna

Shiv Kumar Sao @ Mangru Sah @ Sanjiv Kumar, Male, aged about 38 years,
Son of Chandeshwar Sah, R/O Village- Kewara, P.S.- Punpun, District- Patna,
Bihar- 800001.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Punpun P.S. Case No. 138/2023 dated 04.05.2023 registered for the offences punishable under Sections 341, 323, 325, 307, 379 and 506/34 of the I.P.C.

3. As per the prosecution case, the petitioner alongwith the co-accused is alleged to have teased the informant. On being objected, they started assaulting him with lathi, danda and iron rod. The co-accused Fekan Sao took out Rs. 15,000/- from his pocket. The petitioner assaulted the informant on his head with iron rod.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. There is case and counter case between the parties. The reason behind the occurrence is that there is love affair between the petitioner's nephew and the informant's sister and both belong to different castes which was not liked by the informant. It is further submitted that the informant himself has been convicted under Sections 302, 120B of the I.P.C. and Sections 3(2)(v) of the SC/ST (POA) Act and he has been enlarged on bail by the Hon'ble Court during the pendency of Cr. Appeal (DB) No. 1044 of 2017. It is further submitted that from perusal of the injury report of the informant which is available in paragraph no. 55 of the case diary, it is evident that the injury has been found on the informant as lacerated wound front-parietal scalp size (3CM X 2CM) and there is no repetition of blow on the informant. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Patna in connection with Punpun P.S. Case No. 138 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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