

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80329 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- SAUR BAZAR District- Saharsa

SAMBU SAH @ SHAMBHU SAH Son of Late Ramjee Sah Resident of
Village - Raghunathpur, Ward No.- 11, P.S.- Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Saur Bazar P.S. Case No. 315 of 2023 dated 11.06.2023 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379, 504, 506 of the I.P.C.

3. As per the First Information Report lodged by the informant on 31.05.2023 while she was ploughing her own land by means of tractor, all the ten accused persons arrived there armed with spear, iron rod, lathi etc. and assaulted her husband, due to which her husband received injury and fell down. When the informant intervened in order to save her husband, she saw that petitioner was holding spear with blood stain.

4. Learned counsel for the petitioner submits that



petitioner along with other accused persons have been made accused due to land dispute in the present case on the basis of general and omnibus allegation. No specific overt act has been attributed against the petitioner and the petitioner has been made accused only on the basis of the fact that informant saw him holding spear in his hand with blood stain. Learned counsel next submits that there is a delay of 11 days in lodging the F.I.R. inasmuch as the occurrence had taken place on 31.05.2023 but the F.I.R. has been lodged after delay of eleven days on 11.06.2023. Both the parties are agnates and there is counter case also. Referring to the injury report at Annexure-2, learned counsel submits that the husband of the informant has received simple injury caused by hard and blunt substance.

5. Regard being had to the submission made by the parties, taking into consideration the fact that both the parties are agnates, there is land dispute between them, allegation against the petitioner is not specific, there is eleven days delay in lodging the F.I.R. and injury caused to the victim is simple in nature, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.P. Singh, learned Judicial Magistrate 1st Class, Saharsa in connection with Saur Bazar P.S. Case No. 315 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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