

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2839 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- BAIRIYA District- West Champaran

Ramavtar Sah SON OF Pahari Sah VILL TILANGAHI, PS- BAIRIYA,
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bairiya P.S. Case No. 162 of 2023 dated 06.06.2023, instituted for the offence punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code.

3. The allegation against the petitioner is that, he assaulted with iron rod on the head of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that as per the injury report, the injury is found to be simple in nature. Learned counsel further submitted that petitioner and informant are agnates and due to land dispute between the parties, the said incident has occurred.



It is further stated that the specific allegation of assault is against one Co-accused namely, Raja Ram Sah, who has assaulted Pramod Sah by means of iron rod on his head in which he sustained grievous injury and died during the course of treatment, there is no allegation of assault against the petitioner. Lastly, it has been submitted that the petitioner has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bairiya P.S. Case No. 162 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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