

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19781 of 2015

Arising Out of PS.Case No. -280 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Binda Sah son of Late Khedu Sah
2. Tuna Sah son of Binda Sah
3. Raj Kishore Sah son of Binda sah
4. Pradeep Sah son of Binda Sah All are residents of village- Bhopatpur P.S.- Kotwa,
District- East Champaran Petitioners
Versus
1. The State of Bihar Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar No.Iii
For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HON'BLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 02-07-2015 Heard learned counsel for the petitioners, learned
counsel for the State.

In this application, the petitioners apprehend their
arrest for the offences punishable under Sections 448, 323, 324,
307, 380, /34 of the IPC.

Allegedly when the informant Shambhu Sah was
cleaning his mouth at his door, the petitioners and other came
there being armed and the petitioner no. 1 assaulted Shambhu Sah
with Farsa on his head and petitioner no. 2 assaulted with Sword
on his leg and thereafter the petitioner nos. 3 and 4 assaulted him
with Lathi and when the wife and daughter of the informant came
out of the house, the accused persons entered into the house and

took away the ornaments of Rs. 50,000 and cash amount of Rs. 20,000/- from his box.

Submission is of false implication and that due to land dispute they have been implicated in this case. No offence under Section 307 IPC is made out and allegation of theft is superaddition, to which learned A.P.P. opposes.

In the facts and circumstances stated above, considering that against the petitioner no. 1, there is allegation for causing injury on the head of informant with farsa and as such this court is not inclined to grant pre-arrest bail to him and as such his prayer of pre-arrest bail is rejected and so far as petitioner nos. 2,3 and 4 are concerned, in case of their surrender or arrest within two months from the date of receipt or production of the order they shall be released on bail on execution of bail bond of Rs 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri. Rajiv Kumar no. IV, Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 280 of 2014 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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