

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32523 of 2015**

Arising Out of PS.Case No. -94 Year- 2015 Thana -BAIRIYA District-  
WESTCHAMPARAN(BETTIAH)

- =====
1. Jhulan Sah son of Kanhai Sah, Resident of village- Badhaiya Tola, P.S.-  
Bairia, District- West Champaran
  2. Sri Bhagwan Sah Son of Yadav Lal Sah, Resident of village- Badhaiya  
Tola, Parmanent Addres- Village- Mahana, P.S. Majholia, District-  
West Champaran

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. S.Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL**  
**ORAL ORDER**

2      17-08-2015      Heard learned counsels for the petitioners, State and the  
informant.

The accused-petitioners seek bail in a case registered  
for the offence punishable under Sections 307, 254, 379, 302 and  
other minor Sections of IPC and 3/ 4 of Dowry Prohibition Act.

It is submitted by learned counsel for the petitioners  
that there is no specific allegation of overtact against the  
petitioners that they assaulted deceased Shambhu Sah. The  
specific allegation of assault is against Bhola Sah causing injury  
on the head of the deceased with farsa. Allegation against  
Bhagwan Sah is to tear the garment of mother of the informant.



It is further submitted that there had been occurrence of assault between both the parties due to land dispute. Lalmani Devi, wife of petitioner no. 1 has also lodged Baira P. S. Case No. 95 of 2015 against the prosecution party. The petitioners have been in custody since 8.4.2015 having no criminal antecedent. However, after investigation charge-sheet has already been submitted and there is no chance of tampering with the witnesses.

Learned counsel for the other side has submitted that during investigation, it has come to light that the injured has also been assaulted by the petitioners.

Considering the facts and circumstances, the above named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran/court concerned in Baira P. S. Case No. 94 of 2015 with following conditions:-

1. The petitioners will not indulge themselves in similar or any other offence.
2. One of the bailors must be the close relative of the petitioners.
3. The petitioners will be well represented in the Court on each and every date and in case of absence for two

consecutive dates or in case of violation of terms of bail,  
their bail bonds would be liable to be cancelled by the  
learned Court concerned.

**(Amaresh Kumar Lal, J)**

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