

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44988 of 2014

Arising Out of PS.Case No. -46 Year- 2014 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

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1. TARA CHAND SAH S/O LATE AWADH SAH
2. BHIKHARI PRASAD @ BHIKHARI SAH S/O RAMADHAR SAH
3. RAMADHAR SAH S/O LATE AWADH SAH
4. RAMESH SAH @ RAMESH KUMAR S/O MOTICHAND SAH
5. MOTICHAND SAH S/O LATE AWADH SAH
6. UMESH SAH @ UMESH KUMAR S/O MOTICHAND SAH
7. VIJAY SAH S/O TARACHAND SAH
8. SANJAY SAH S/O TARCHAND SAH
ALL RESIDENT OF VILLAGE - BHATNAHIYA, P.S. - DARPA,
DISTRICT- MOTIHARI.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party/s Mr. B.Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 13-04-2014 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Guriya Devi filed written report on 09.05.2014
alleging inter alia, that on 08.05.2014 all the accused named
therein who are petitioners save and except petitioner no.3
Ramadhar Sah, who during course of pendency of instant petition
was apprehended and on account thereof, instant petition is found
disposed of, came with lathi and *Muari* in search of her husband
Shreekant Sah as well as Rajendra Sah, father-in-law. When they
did not trace them, then in that event, on an order of Motichandra
Sah, Vijay Sah and Sanjay Sah kicked over her lower part of

stomach and on account thereof, as is subsequently found aborted.

It has also been disclosed that Bhikhari Sah had snatched away golden chain as well as Ramadhar had taken away attaché having ornaments, cash etc.

It has been submitted on behalf of petitioners that they have been falsely implicated in the background of presence of counter case bearing Darpa P.S. Case No.45 of 2014. It has also been submitted that save and except Vijay Sah and Sanjay Sah, case of other petitioners happens to be quite differentiable and that being so, at least the others petitioners are / should be granted anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer and submitted that there happens to be common intention during course of the occurrence.

So far petitioners Tara Chand Sah, Bhikhari Prasad @ Bhikhari Sah, Motichand Sah, Umesh Sah @ Umesh Kumar are concerned, it is apparent that no allegation of assault has been attributed against them. With regard to theft, without any recovery and in the aforesaid background, aforesaid petitioners are directed to surrender before the learned lower court with a prayer for regular bail, which the learned court will favourably consider in light of observation as made above. Instant petition is disposed of

with regard to above said petitioners.

So far, petitioners Vijay Sah and Sanjay Sah are concerned as they carry specific allegation, they do not deserve anticipatory bail, consequent thereupon, their prayer for anticipatory bail are rejected.

(Aditya Kumar Trivedi, J.)

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