

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39814 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -SAHIYARA District- SITAMARHI

- =====
1. Umesh Sah
 2. Ram Jee Sah @ Ramjee Kumar Both sons of Bhikhari Sah
 3. Bhikhari Sah son of Late Bhukha Sah
 4. Tulasi Devi wife of Umesh Sah
 5. Rubbi Kumari D/o. Umesh Sah All are resident of Village- Bhaudah, P.S. Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Prasad, Sr. Advocate

Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-09-2016 Heard the learned senior counsel for the petitioners,

the learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioners apprehend their arrest in Sahiyara
P.S. case No. 78 of 2016 under Section 341, 323, 307, 354,
379/34 of the Indian Penal Code.

The informant, Ram Ekbali Sah, named the
petitioners and alleged that they all came to his Darwaja and
dragged his son to road and on the order of Tulasi Devi, petitioner
No.4, Umesh Sah, petitioner No.1, assaulted Mukesh Sah on his
head. Ram Jee Sah, petitioner No.2, is also alleged to have



assaulted Mukesh Sah with Daab. Tulasi Devi assaulted Mukesh Sah with Lathi and Mukesh Sah, son of the informant, fell down with profuse bleeding. When the wife of informant came, Rubi Kumari is said to have assaulted her with iron rod on her head. Younger son of the informant, Umesh Sah also came to save but the accused persons also assaulted him.

It is submitted that present case is false and concocted. The same is lodged on 08.06.2016 with regard to the occurrence took place on 28.05.2016 and prior to lodging of this case Umesh Sah, petitioner No.1, lodged Sahiyara P.S. case No. 66 of 2016 under Section 307 and other Sections of the IPC in which Umesh Sah made allegation that Mukesh Sah, son of the informant, Ram Ekbal Sah, tried to outrage the modesty of his daughter and on protest the accused persons assaulted him and others. It is further submitted that Mukesh Sah got two injuries, one lacerated wound on head and another bruise. The injury found on head is opined to be grievous in nature as hair line fracture was found in skull bone whereas second injury is found to be simple in nature. Other injured also got simple injuries. Author of injury No.1 appears to be petitioner No. 1.

On the other hand the learned counsel for the informant as well as the learned Additional Public Prosecutor



vehemently opposed the prayer for anticipatory bail and submitted that all the accused assaulted Mukesh Sah, mother of Mukesh Sah but it appears that Mukesh Sah got only two injuries and one injury is simple in nature. Mother and brother of Mukesh Sah also got superficial and simple injuries and prior to lodging of the present case petitioner No.1 lodged a case on 02.06.2016 for outraging the modesty of his daughter.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that against petitioners No. 2 to 5 omnibus and general allegation is made and no corresponding injury was found on the injured, the above named petitioners No. 2 to 5, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Sahiyara P.S. Case No. 78 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner No.1, Umesh Sah, is concerned, he is alleged to have assaulted Mukesh Sah on head and injury

found on the head is opined to be grievous in nature, I am not inclined to enlarge petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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