

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50524 of 2016

Arising Out of PS.Case No. -161 Year- 2012 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Pannalal Sah, Son of Late Bhola Sah, resident of Mohalla - Said Nagar,
P.S. Muffasil, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate.

For the Opposite Party : Smt Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Motihari Muffasil P.S. Case No. 161 of 2012 for the offences
instituted under Sections 147, 148, 149, 447, 448, 427, 436, 435,
307,395, 323, 324, 325, 354, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 03.06.2012, the
informant has come from outside and some one called him and
retired Daroga Krishnaji Rai and found one person lying in
between lavatory and house and he was taken out and his relatives
were called, they took away him at 3.00 A.M. the public attacked
his house armed with deadly weapons. The petitioner was one of



the members and they assaulted the informant and his family members including his father. The accused persons looted the house by breaking Almirah and they also took away his motorcycle and set fire. Then the informant became conscious. He saw the accused persons were committing crime in the house of Krishna Ji. The accused persons also tried to set on fire his house. The administrative officers were also present and the mob attacked on them also in which they have also sustained injury. Anyhow they set free.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. Altogether 11 persons are named in the FIR including the petitioner. In respect to death of brother of one Lakhindra Sah, three different cases were instituted. One by accused side, other for commission of murder by the informant side and third one was by the police. The petitioner has not been made accused in the police case. The petitioner had protested against the informant's side on committing the murder of the brother of Lakhindra Sah. In retaliation to that, the present case has been instituted against the petitioner and others. No specific allegation has been made against



the petitioner. The other co-accused has been granted anticipatory bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 27554 of 2014 vide Annexure-2 to the present application.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Motihari Muffasil P.S. Case No. 161 of 2012 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

