

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31354 of 2016

Arising Out of PS.Case No. -583 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

1. Pappu Sah, Son of Ram Chandra Sah.
2. Sikindar Sah, Son of Ram Chandra Sah.
3. Jitendra Sah, Son of Ram Chandra Sah.
4. Ramchandra Sah, Son of Raj Kumar Sah.

All resident of Village-Kharaka, P.S -Runni Saidpur, District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate
For the State : Mr Ajit Kumar, Advocate
For the Informant : Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-09-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioners are apprehending their arrest in connection with Runnisaidpur P.S. Case No.583 of 2015 for allegedly having committed the offence under Sections 341, 323, 324, 354, 379 and 376/511 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioners submits that the entire allegation against these petitioners is false and a creation



of minds of the informant, who is in the habit of lodging such cases. It is submitted that the father and his sons hardly participated in such occurrence together and that the occurrence took place on account of grazing of field of these petitioners by the she-goat of the informant. It is further submitted that earlier also a case of similar nature was filed by the informant against petitioner no.4.

Learned counsel appearing on behalf of the informant submits that the petitioners are habitual offenders and should not be allowed to escape from the process of law.

Learned counsel for the State after perusal of the case diary submits that in paragraphs 26 and 27 of the case diary, the independent witnesses have stated that no such occurrence, as described, ever took place, rather it was on account of grazing of the field, that there was some altercation between the parties in which the informant was hurt and only Pappu Sah had indulged in indecent behaviour.

However, considering all the facts and circumstances and the nature of allegations and the story attached to Petitioner No.1, Pappu Sah, with regard to giving of knife blow on the informant has been falsified by the injury report present in the case diary, let the petitioners, above named, in

the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of ₹10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaidpur P.S. Case No.583 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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