

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5935 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -JOGBANI District- ARRARIA

- =====
1. Kishor Kumar Sah Son of Late Phool Kumar Sah
 2. Baby Devi W/o Kishor Kumar Sah Both of Village - South Maheshwari,
P.S. Jogbani, District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-03-2017 Heard the learned counsel for the petitioners as well
as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Jogbani P.S. Case No. 164 of 2016 for the offences punishable under sections 341, 323, 354 (B), 307, 325, 379, 504 and 506/34 of the I.P.C.

Allegedly, when the informant was returning to her house after marketing the petitioners and other two co-accused surrounded her. The petitioner Kishor Kumar Sah got her down after catching her hair and gave order to kill her and then all the four started assaulting her. The petitioner Kishor Kumar Sah got her naked and then Lallu Sah assaulted him with sword causing



head injury. Due to alarm being raised the husband came for rescue then he was also assaulted by both, petitioner Kishor Kumar Sah assaulted him with iron rod causing head injury. After hearing alarm the nearby persons came and save them. The Panches forbade the informant to lodge the case but the accused persons did not obey the version of the Panches and then the case has been lodged. It is also alleged that during the assault Amit Sah took out Rs. 1500/- from the pocket of husband of the informant and petitioner Baby Devi snatched her earring.

Submission is of false implication and that FIR has been lodged after much delay, the occurrence is of 27.11.2016, whereas, FIR has been lodged on 04.12.2016, no such injury has been caused, the informant has received simple injury caused by hard and blunt substance and further the husband of the informant also received simple injury caused by hard and blunt substance.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that both have received injuries on their heads which is on the vital part of the body.

In the facts and circumstances as stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to petitioner Kishore Kumar Sah and accordingly his such prayer stands rejected.



So far petitioner Baby Devi is concerned; she in case of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M- 1st, Araria in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

However, the petitioner Kishor Kumar Sah, in case of his surrender within four weeks, his prayer for regular bail shall be considered by the learned court below on its own merits taking into consideration that during supervision direction has been given to submit charge sheet under sections 341, 323 and 504/34 of the I.P.C, without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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