

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28415 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Naresh Sah, son of Late Gopchan Sah,
2. Bishwanath Prasad @ Bishwanath Sah, son of Late Banti Sah,
3. Sunil Prasad, son of Late Gopchan Sah,
4. Sudhir Sah, son of Late Gopchan Sah,
5. Santosh Prasad @ Santosh Sah, son of Laxman Sah,
6. Luci Devi, wife of Santosh Prasad, All are resident of Village- Siswa Saraiya, Police Station- Bairiya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 28-06-2017 Learned counsel for the petitioners submits that

petitioner nos. 1 and 4, namely, Naresh Sah and Sudhir Sah,

have been arrested by the police, so he seeks permission to

withdraw this application against them.

Permission is accorded.

Accordingly, this application is dismissed as

withdrawn with respect to petitioner no. 1 and 4.

Heard learned counsel for the petitioners and the

learned A.P.P. for the State in respect to prayer for bail of

petitioner nos. 2, 3, 5 and 6.



The petitioners apprehend their arrest in connection with Bairiya P.S. Case No. 65 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 307, 448, 506, 325, 354(B), 504, 427, 436 and 379 of the Indian Penal Code and Sections 3/4 of the Witch Practices Act.

The accusation is that Bishwanath Sah (petitioner no. 2), Laxman Sah, Naresh Sah, Sudhir Sah, Sunil Prasad (petitioner no.3), Santosh Sah (petitioner no. 5), Seema Devi and Ragini Kumari entered in the shop of the informant, Lalmati Devi and Naresh Sah caught hold her hair denoting her as Dyne and trying to administer her human excreta. At that time, Santosh Sah (petitioner no. 5) torn her Sari and Blouge. On raising alarm, Promod Prasad, son of the informant rushed to save her then Sunil Sah (petitioner no. 3) caused injury at his forehead through Bhala. When, Yado Lal Sah, husband of informant came there then Sudhir Sah (petitioner no. 4) gave farsa blow at his head. Thereafter, Ravindra Sah, son of the informant, came there then Bishwanath Sah (petitioner no. 2) gave Dabia blow at his head, on which, Nagendra Sah, another son of the informant, rushed to save him then Laxman Sah gave iron road at his head whereas as Bikash, another son of the informant, was also assaulted by other accused persons



through lathi causing fracture injury at his leg. At that time, Seema Devi, Luchi Devi (petitioner no. 6) and Ragini Kumari snatched gold chain from the neck of the informant.

Learned counsel for the petitioners submits that while specific allegation against petitioner no. 3, Sunil Prasad, petitioner no. 2, Bishwanath Prasad and petitioner no. 4, Sudhir Sah, is to cause through Bhala, Dabia and Farsa at the head of Promod Sah, Rabindra Sah and husband of informant but their injuries are simple in nature. The petitioner no. 6 Luchi Devi is said to be snatched the gold chain whereas Santosh Prasad torn her Sari and Blouge of informant. The occurrence took place due to land dispute, in which, Bishwanath Sah (petitioner no. 2) also sustained grievous injury.

Considering the facts and circumstances of the case, let petitioner nos. 2, 3, 5 and 6, Bishwanath Prasad @ Bishwanath Sah, Sunil Prasad, Santosh Prasad @ Santosh Sah and Luchi Devi be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate, Bettiah, West Champaran, in connection with



Bairiya P.S. Case No. 65 of 2017, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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