

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45718 of 2017

Arising Out of PS.Case No. -268 Year- 2014 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Vishwanath Sah @ Bishnath Sah, son of Ramchandra Sah,
 2. Jailal Sah, son of late Raju Sah,
 3. Ramchandra Sah, son of Dularchand Sah,
 4. Bindeshwari Sah, son of Jagu Sah,
 5. Rajesh Sah @ Rajesh Kumar, son of Ramchandra Sah,
 6. Dinesh Sah, son of Jagu Sah,
 7. Jitendra Sah, son of Jailal Sah,
 8. Jangali Sah, son of late Bhikhar Sah, all R/o Village- Korhal, P.S.-
Pakarideyal, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 03-10-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Pakarideyal P.S.

Case No.268 of 2014 instituted for the offence under Section(s)

147, 148, 149, 341, 323, 324, 307, 384, 448, 379, 380, 504, 506

Indian Penal Code and Section 34 of Witchcraft Practices

Prohibition Act, 1999.

It has been submitted that occurrence has taken place on account of land dispute. Earlier, a case was filed by petitioner No.1 against the Informant and others vide Pakarideyal P.S. Case No.269 of 2014. Now, both the parties have



compromised the matter and good sense has prevailed between them.

In the written report, there is allegation against petitioner No.1, Vishwanath Sah, of assaulting the Informant with *farsa*. Allegation against other accused persons is of assaulting the Informant and his family members with *lathi*, iron road. In the impugned order, Additional Sessions Judge has mentioned about the injuries found in para 74 of the case diary. The Additional Sessions Judge has not described the nature of injury on the person of the Informant.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Pakarideyal P.S. Case No.268 of 2014, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the 5th Additional Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be



present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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