

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54608 of 2017

Arising Out of PS.Case No. -271 Year- 2017 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Ramashish Sah, son of Gaya Sah,
 2. Santosh Kumar,
 3. Bablu Kumar,
 4. Sunil Kumar,
 5. Dileep Kumar,
 6. Pawan Kumar, all sons of Ramashish Sah, resident of village-Salehpur, Matihaniya, P.S.-Bishambharpur, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP
Mr. Shivendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 12-12-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Kuchiakot P.S.**

Case No.271 of 2017 instituted for the offence under Section(s)
147, 148, 149, 323, 308, 379, 504, 506 Indian Penal Code.

It has been submitted that instant case is counter
blast of Kuchaikot P.S. Case No.270 of 2017 filed by the
daughter of the petitioner no.1 and sister of petitioner nos.2 to 6,
namely, Dimple Devi, under Sections 498-A, 341, 323, 324, 307,
504, 506 Indian Penal Code. It has further been submitted that the
informant and his family members were torturing Dimple Devi



for demand of dowry and there was a *Panchayati* in which they agreed that they will keep her properly, but again started torturing her and wanted to kill for which Kuchaikote P.S. Case No.270 of 2017 has been filed by the daughter of petitioner no.1 against the informant and his family members.

In the instant case, there is allegation that Santosh Kumar assaulted the informant on his head with rod. There is general and omnibus allegation against others. Injury reports have been annexed as Annexure-3 series to the Supplementary Affidavit. Doctor has found total eleven injuries on the person of the informant out of which injury nos. 2 to 11 were all bruises. Injury no.1 was incised wound on right parietal region of head having size 2" x 1/4" x skin deep, which was opined to be dangerous to life.

Counsel for the petitioners has submitted that injuries have been sustained from both sides. Injuries sustained from the side of the petitioners in counter case have been annexed as Annexure-4 series.

Counsel for the Informant has appeared and opposed the prayer for bail.

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 in **Kuchiakot P.S. Case No.271 of 2017**, 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 **Additional Chief Judicial Magistrate, VII, Gopalganj**, 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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