

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44004 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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1. Raj Kishore Sah, S/o Jhabbar Sah,
 2. Bijendra Sah @ Bijo Sah, S/o Jhabbar Sah,
 3. Chandra Kishore Sah, S/o Jhabbar Sah,
 4. Ram Lakhan Sah, S/o Jhabbar Sah and
 5. Jhabbar Sah, S/o Late Sunder Sah, All Residents of Village-
Parmanandpur, Ward No. 07, P.S.- Srinagar, District- Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party : Mr. Md. Sufiyan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with
Srinagar P.S. Case No. 07 of 2017, registered for the offences
punishable under Sections 341, 323, 342, 324, 325, 307, 379, 504 of the
Indian Penal Code.

The allegation against the petitioner no. 2 . Bijendra Sah
@ Bijo Sah is that he assaulted Harihar Sah with iron rod on his head
causing injury and he fell down, against the petitioner Raj Kishore Sah
there is allegation for giving order to kill Vikesh Kumar, against the
rest petitioners there is general and omnibus allegation.

Submission is of false implication and that due to land
dispute the occurrence has taken place, there is no intention to commit
murder and, as such, offence under Section 307 of the I.P.C. is not



made out, there was no intervening circumstance, the allegation of taking amount of Rs. 1705/0 against the Chandra Kishore Sah is super addition and, as such, the petitioners deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation against **Bijendra Sah @ Bijo Sah**, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands **rejected**.

So far other petitioners **Raj Kishore Sah, Chandra Kishore Sah, Ram Lakhan Sah and Jhabbar Sah** are concerned, in the event of their 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 bonds of Rs. 10,000/- (Ten thousand)** each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Madhepura, in connection with Srinagar P.S. Case No. 07 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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