

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48191 of 2017

Arising Out of PS. Case No.-34 Year-2017 Thana- SRINAGAR District- West Champaran

1. Birendra Prasad Son of Harihar Sah
 2. Jhagaru Sah Son of Late Heera Sah
- Both resident of Village- Bagahi Baghambar, P.S. Srinagar (Pujaha) District Bettiah (West Champaran).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. SRI SATYA NAND SHUKLA

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 13-12-2017 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Srinagar (Pujaha) P. S. Case No. 34 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354-C, 447, 379, 387, 504, 506 and 302 of the Indian Penal Code.

Allegedly, when the informant was sitting along with her grandmother Masomat Halkhori Devi, the petitioners along with other accused persons entered into the house and started abusing and objected the construction being made in the house. Further the accused persons tried to outrage the modesty of the



informant. They demanded Rs. 2 lakhs, the petitioner no. 1 assaulted with iron rod on the head of the informant causing bleeding whereas co-accused Mohan Sah got her down and torn her cloth and when Masomat Halkhori Devi came to save all the accused persons entered into the house and the petitioner no. 2 Jhagaru Sah gave knife blow on the chest of Halkhori which hit on the right hand and further the accused persons burnt the hut and fled away.

Submission is of false implication and that there is contradiction in the statement of Halkhori and the informant. Halkhori was not assaulted on the vital part and she died natural death, chargesheet has been submitted under Section 304 of the Indian Penal Code and not under Section 302 IPC and as such the petitioners deserve sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the prayer of regular bail of co-accused Mohan Sah has been rejected vide Cr. Misc. No. 41482 of 2017 by another co-ordinate Bench of this court and against the petitioners there is specific allegation.

In the facts and circumstances stated above, considering the allegations attributed against the petitioners, this Court is not



inclined to grant privilege of pre-arrest bail to the petitioners
and accordingly, their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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