

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61561 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -BAKHRI District- BEGUSARAI

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1. Upendra Sah, S/o Mushru Sah,

2. Kari Sah, S/o Daulat Sah,

3. Rajo Sah @ Rajendra Sah, S/o Mushru Sah,

All R/o Village- Khakharua, P.S.- Bakhri, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Senior Advocate

Miss Rashmi Bharti, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324,379, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the written report of Ram Sewak Rai, the informant submitted before the Officer-in-Charge, Bakhri Police Station, alleging therein that on 09.02.2017 at 12.00 hours while the informant was irrigating his maize field, in the meantime, 14 FIR named accused persons including the petitioners came variously armed and surrounded the informant. Petitioner no. 2 Kari Sah challenged the informant



to come out from field, thereafter he resorted to fire in the field but it did not hit the informant. Co-accused Sagar Sah and Ram Pravesh Sah also resorted to fire but the same also did not hit the informant also. The informant went to his house and then they chased the informant to his house. Petitioner no. 3 Rajo Sah assaulted Ram Chandra with Farsa on his head and others assaulted to wife of the informant Girja Devi and grand son Shiv Kumar by bamboo, causing injuries to all. The accused persons took away the household articles worth Rs.15,000/- along with jewellery and clothes worth Rs. 2000/- along with four bags of wheat.

It is submitted by learned Senior counsel for the petitioners that admittedly the firing resorted by petitioner no. 2 Kari Sah did not hit the informant and the injury caused by petitioner no. 3 Rajo Sah by Farsa has been found to be simple in nature. In fact, the present case has been lodged by the informant's side to save their skin from Bakhri P.S. Case No. 20 of 2017 registered for the offences punishable under Sections 147, 341, 323, 324, 384, 379, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, section 302 IPC was also added, where one person from petitioners' side died. A statement has been made in paragraph 3 of the petition that the



petitioners are not having any criminal antecedent and considering the aforesaid facts co-accused Sagar Sah and 10 others have been granted anticipatory bail vide order dated 19.08.2017 passed in Cr. Misc. No. 37204 of 2017 by a co-ordinate Bench of this Court, as contained in Annexure-3.

Considering the fact that one person died from the petitioners' side and the present case is subsequent to the case lodged by the petitioners' side, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Bakhri P.S. Case No. 21 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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