

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6889 of 2018

Arising Out of PS.Case No. -427 Year- 2017 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Rajendra Sah, Son of Akshay Lal Sah,
2. Gaudi Devi, Wife of Rajendra Sah,
3. Rajesh Sah, Son of Akshay Lal Sah,
4. Jagdish Sah, Son of Akshay Lal Sah,
All are resident of Village- Dhanwatiya Pipra Tola, Gobarhiya Police
Station- Yogapatti, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Informant : Mr. Ram Adya Singh, Adv.
Mr. Arjun Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned
counsel for the informant.

The petitioners apprehend their arrest in connection
with Yogapatti P.S. Case No.427 of 2017 registered under
Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504 and
506 of the Indian Penal Code.

Learned counsel for the petitioners submits that so
far as the petitioner nos. 1 and 3 are concerned, there are
allegations against them that they have assaulted the husband of
the informant as also one Pinki Kumari and the informant. The



injuries found on the body of the Bhagrani Devi and the husband of the informant are said to be grievous in nature. So far as petitioner nos.2 and 4 are concerned, though there are allegations that they had also participated in the alleged occurrence, however, it is submission of the learned counsel for the petitioners that no specific overt act has been attributed to petitioner nos.2 and 4. It is further submitted that the petitioners and the informant are own gotiyas and they were admittedly fighting for a land dispute.

Learned counsel for the informant is present and opposed the prayer for anticipatory bail particularly of petitioner nos.1 and 3 and submits that they have caused grievous injury. So far as petitioner nos.2 and 4 are concerned, the submission of the learned counsel for the petitioners that they have not committed any overt act has not been controverted.

Considering the facts and circumstances of the case particularly that there are no allegations of committing any overt act of assault against petitioner nos.2 and 4, I am inclined to grant anticipatory bail to petitioner nos.2 and 4. In the event of their arrest/surrender before the court below within four weeks, let the above named petitioner nos. 2 and 4 be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) each with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No.427 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as the petitioner nos.1 and 3 are concerned, considering the fact that they have allegedly caused grievous injuries, I am not inclined to grant anticipatory bail to them.

The application as regards petitioner nos.1 and 3 stands dismissed.

Arvind/-

(Rajeev Ranjan Prasad, J)

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