

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63970 of 2018

Arising Out of PS. Case No.-148 Year-2017 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Binod Sah Son of Harendra Sah
 2. Manoj Sah Son of Harendra Sah
 3. Chandeshwar Sah Son of Rajdeo Sah All Resident of Village-
Kharuhi Ward Farid, P.S. Kundwa Chainpur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Opposite Party/s : Smt. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-12-2018 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their
arrest in connection with Kundwa Chainpur P.S. Case No.
148 of 2017 dated 12.10.2017 instituted for the offences
under Sections 341, 323, 324, 307, 379, 504, 506 and 34
of the Indian Penal Code.

It is alleged in the F.I.R. that while the informant
was coming back home, he was assaulted by the accused
persons including the petitioners. The act of assault has been
attributed to other accused persons and petitioner no. 1 is



only alleged to have ordered his associates to kill the informant. Petitioner no. 2 is said to have dragged the informant by means of a towel and petitioner no. 3 is said to have taken away money and gold chain of the informant.

Learned advocate appearing for the petitioner that because of the assault by other accused persons, the informant has received sharp-cut but simple injuries. So far as the petitioners are concerned, they are not alleged to have assaulted the informant. The only allegation against petitioner no. 3 is of taking away the personal belongings including money of the informant. However, the police after investigation did not find the aforesaid allegation to be true and charge-sheet was submitted against other accused persons, whereas the petitioners were not sent up for trial. However, differing with the police report, the learned SDJM, Sikrahana at Dhaka, East Champaran has taken cognizance against the petitioners.

Considering the aforesaid facts as also taking into account that the petitioners do not have any criminal antecedents, the petitioners above-named are directed to be



released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Kundwa Chainpur P. S. Case No. 148 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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