

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59571 of 2018

Arising Out of PS. Case No.-402 Year-2017 Thana- GHORASAHAN District- East
Champaran

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1. Rameshwar Sah, S/o Late Asarfi Sah
 2. Ramadhar Sah, S/o Late Kamal Sah
 3. Ramjeevan Sah, S/o Late Kamal Sah
 4. Prem Sah, S/o Late Kamal Sah
 5. Siyaram Sah, S/o Ramjeevan Sah
 6. Jairam Sah, S/o Ramjeevan Sah
 7. Mohan Sah, S/o Ramadhar Sah
- All are R/o Vill.- Dhoom Nagar, P.S.- Ghorasahan, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 14-12-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

At the very outset, it is pointed out on behalf of the
petitioners that petitioner no. 1, namely, Rameshwar Sah has
already been arrested during the pendency of this application
and his prayer for anticipatory bail has become infructuous.

In view of the aforesaid submission, the prayer for
anticipatory bail of petitioner no. 1, namely, Rameshwar Sah
stands dismissed being infructuous.

Petitioners apprehend their arrest in connection with



Ghora Sahan P.S. Case No. 402 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

So far as remaining petitioners are concerned, except petitioner No. 4, namely, Prem Sah, there is specific allegation against them that they assaulted the prosecution party by various weapons causing injury to them.

Learned counsel appearing for the petitioners points out that the injury sustained simple in nature and, moreover, there is case and counter case between the parties and the alleged occurrence took place on account of land dispute. He also points out that some accused have already been admitted to anticipatory bail by different Benches of this Court.

Considering the aforesaid submissions of the parties, I am not inclined to grant privilege of anticipatory bail to the petitioners, except petitioner No. 4, namely, Prem Sah.

Accordingly, the prayer for anticipatory bail of the petitioners, except petitioner No. 4, namely, Prem Sah, stands rejected.

So far as petitioner No. 4, namely, Prem Sah, is concerned, it is ordered that petitioner No. 4, namely, Prem Sah, in the event of his arrest/ surrender within four weeks from the



date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran in Ghora Sahan P.S. Case No. 402 of 2017, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

Further, it is made clear that this order shall not cause any prejudice to concerned court at the time of consideration of regular bail application of the aforesaid petitioners and concerned court shall keep in mind the fact of the case as well as this aspect of the matter that there is case and counter case between the parties and the alleged occurrence took place on account of the land dispute while considering the regular bail application of the petitioners.

(Hemant Kumar Srivastava, J)

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