

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20463 of 2018

Arising Out of PS. Case No.-156 Year-2016 Thana- RIGA District- Sitamarhi

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1. Ramanand Sah, S/o Late Raja Sah,
2. Mishrilal Sah @ Mishrilala Sah,
3. Shivji Sah S/o Late Raja Sah, All R/o Village- Rewasi Tola
Kathari, P.S.- Riga, District- Sitamarhi ... Petitioners
- Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party : Mr. Akhileshwar Dayal, APP 74

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Riga P.S. Case No. 156 of 2016 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 447, 379 and 504 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Jagat Lal Sah recorded by the Assistant Sub-Inspector of Police, Sitamarhi Police Station, Sitamarhi, on 26.07.2016 at 08.00 A.M. at Sadar Hospital, to the effect that on 2.07.2016 at 10.00 A.M. the wife of the informant protested the cutting of the ridge of the land of the informant by petitioner no. 1, Ramanand Sah, and co-accused, Ram Sagar Sah and Harendra Sah, then, they abused and threatened the wife of the informant. It is, further, alleged that when informant was sitting at his door on 25.07.2016 at about 07.00 A.M. when the petitioners and other accused persons came, started abusing and assaulting to the informant. Petitioner no. 1, Ramanand Sah,



assaulted with farsa causing injury below the forehead upto right eye. When his wife, Bachiya Devi, came to rescue him, she was caught hold by her hair and thrown on the ground, informant's younger brother, Chhote Lal, was also beaten by iron rod on his head and wife of Chhote Lal was beaten by fists and slaps after having caught hold her hair by all the accused persons. It is alleged that Lal Babu Sah snatched the golden chain and other ornaments of his wife.

It is submitted by the learned counsel for the petitioners that there is no specific accusation of making assault by the petitioners and the injury is simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners are not having criminal antecedent. It is, further, submitted that the grievous injury has been caused to brother of the informant, namely, Chhote Lal, but, the same has been alleged against co-accused, who is not the petitioner before this Court. A counter case has also been lodged by the petitioners on 24.07.2016 against the informant being Riga P.S. Case No. 154 of 2016 for the offences punishable under Sections 147, 148, 341, 323, 308 and 506 of the Indian Penal Code. The present First Information Report has been registered on 29.07.2016 at 11.05 A.M. and occurrence is of 22.07.2016.



It is submitted by the learned Additional Public Prosecutor that admittedly there is no assault made by petitioner no. 1.

Considering the nature of accusation levelled against the petitioners, the injury found is simple in nature, for the occurrence of 22.07.2016 the First Information Report being lodged on 29.07.2016 coupled with the statement made in paragraph 3 that the petitioners are not having criminal antecedent, the prayer of the petitioners for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioners, named above, before the Court below, within four weeks from today in connection with Riga P.S. Case No. 156 of 2016. They shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, II, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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