

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68408 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- SAHARGHAT District- Madhubani

1. BAIDYANATH SAH @ BAIJNATH SAH, Son of Late Pavitra Sah.
2. Mival Devi @ Vimal Devi @ Vimala Devi, Wife of Baidyanath Sah @ Baijnath Sah. Both Resident of Village-Taraiya, P.S. Saharghar, Distt.-Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bimal Kumar, Advocate.
For the Opposite Party	:	Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 307, 379 and 504/34 of the IPC.

The prosecution story, in brief, is that on 29.04.2018 at 7.00 A.M. the informant was sitting at his *Darwaja*, in the meantime, petitioner no. 2 Vimal Devi thrown the garbage vegetable on his door, his brother Ramdeo Sah told, why your are throwing garbage vegetable on his door, in the meantime, all accused persons started abusing the informant and on protest the accused persons came with deadly weapons and assaulted his



brother Ramdeo Sah with *Farsa* when his mother and sister-in-law came there to save him then accused persons also assaulted with *Lathi* and *Iron rod* and co-accused Sanjeev Sah snatched *Golden Mangal Sutra* and *nose pin* from Urmila Devi sister-in-law of the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is case and counter case between the parties. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, 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 learned S.D.J.M. Benipatti, Madhubani, in connection with Saharghat P.S. Case



No. 62/18, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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