

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15272 of 2018

Arising Out of PS. Case No.-316 Year-2017 Thana- PAHARPUR District- East Champaran

1. Saroj Devi, W/o Manish Sah,
2. Kamendra Sah S/o Vishwanath Sah,
3. Munia Devi W/o Vishwanath Sah,
4. Shiv Sah S/o Vishwanath Sah,
5. Pappu Sah S/o Vishwanath Sah,
6. Vishwanath Sah S/o Late Belash Sah, All are R/o Village- Kamaal Pipra, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Paharpur P.S. case no. 316/2017 instituted for the offence under Section(s) 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is case and counter case between the parties. For the same occurrence dated 6.11.17 a counter case has been lodged as Paharpur P.S. case no. 323 of 2017 by the petitioner no.6 against the present prosecution party. Both the parties are co-villagers and there is personal dispute between the parties.

In the written report, it is alleged that petitioner no.5 gave



Garasha blow on the head of the bhabhi of informant, namely Urmila Devi and petitioner no.2 assaulted the informant with iron rod on the leg and back. It is further submitted that there is no injury on the person of the informant. Learned counsel for the petitioners has enclosed the injury report of Urmila Devi at page 27 of the brief (Annexure-3) wherein the doctor has found the injury to be simple in nature. There is general and omnibus allegation against other accused persons.

The Prayer for bail on behalf of petitioner no.4, namely Shiv Sah has already been dismissed as withdrawn.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, except petitioner no.4, named above, within six weeks from today in connection with Paharpur P.S. case no. 316 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and



shall be present on each and every date fixed by the court and
absence on two consecutive dates without proper and reasonable
reason will automatically cancel bail bond of the petitioners and
(3) if petitioners tamper with the evidence or the witnesses of
the case, in that case, prosecution will be at liberty to move for
cancellation of bail of the petitioners.

(Sanjay Priya, J)

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