

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74505 of 2018

Arising Out of PS. Case No.-262 Year-2017 Thana- LAUKAHI District- Madhubani

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1. Deoki Devi, wife of Harilal Sah.
 2. Most Pano Devi, wife of Late Ram Sagar Sah.
 3. Harilal Sah, son of Deo Narayan Sah. All residents of Village-
Ladaniya, P.S.- Andhra Math, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Manoj Kumar Singh, Advocate.
For the Opposite Party : Mr. Chaubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2018 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, 307, 379,
504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 07.11.2017
at 10.00 A.M., when the informant was doing ‘*Dauni*’ of paddy
by *Thresher* in his *Khalihan*, then due to previous quarrel,
petitioners and other co-accused persons having taken various
weapons in their hands came and closed his *Thresher* and on
protest by him, all the accused persons including the petitioners
began to abuse and co-accused Chet Narayan Sah told to kill
this old man, then co-accused Bharat Sah assaulted with pistol



causing forehead injury. Petitioner no. 3 Hari Lal Sah assaulted with *Farsa* causing head injury. When his daughter-in-law, namely, Manjula Devi and his grand daughter-in-law, namely, Mamta Kumari Sah came to save him, co-accused Virendra Sah assaulted with *Lathi* to Manjula Devi causing cut injury on her head and body injury. Co-accused Pano Devi assaulted his both daughters-in-law and his grand daughter-in-law with *Sickle* causing cut injury on their heads. Petitioner no. 3 Hari Lal Sah snatched golden *Mangal Sutra* weighing 1 Bhari from the neck of Mamta Devi, co-accused Bharat Prasad snatched *Silver Locket* from the neck of Manjula Devi and co-accused Chet Narayan Sah caught hold hair of Mamta Kumari and began to drag her and assaulted with legs and fists. On haulla, many people of the Mohalla came and saved the informant and others and they brought them in P.H.C. at Laukhai.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Both parties are agnates. Free fight is alleged to have taken place between the parties. Injury on the accused side 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., Jhanjharpur (Madhubani), in connection with Laukahi P.S. Case No. 262 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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