

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53151 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -PAKRIDAYAL District- EASTCHAMPARAN
(MOTIHARI)

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1. Rambabu Shah, son of Chandar Sah.
 2. Nagendar Sah, son of Chandar Shah.
 3. Mukesh Sah @ Mukesh Kumar, son of Chandra Sah.
 4. Harendra Sah, son of Late Sattu Sah.
 5. Jawahir Sah @ Jawahir Lal Sah, S/O Late Janak Sah.
 6. Jitendra Sah, son of Kishun Sah. All are resident, of Village- Bamantola Chata, P.S. Pakaridayal, District- East Champaran, Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-10-2018 Vide order dated 20.09.2018, anticipatory bail application of petitioner no. 1 Rambabu Shah has already been dismissed as withdrawn as he has already been taken into custody.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 6 Jitendra Sah as he has already been taken into custody in connection with Pakaridayal P.S. Case No. 173 of 2017, pending in the court of learned C.J.M. Motihari, East Champaran.

Permission is accorded.

The anticipatory bail application of petitioner no. 6 Jitendra Sah is dismissed as withdrawn.



Heard learned counsel for the petitioner nos. 2 to 5 and learned A.P.P. for the State.

The petitioner nos. 2 to 5 are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 323, 341, 354(B), 325, 427 and 307 of the IPC.

The prosecution story, in brief, is that while the informant on the date and time of occurrence was going to call of nature, all accused persons including the petitioners on the order of co-accused Rambabu Shah, attacked on her and torn her *Saree*, *Blouse*, pressing her mouth and took her in *Banswari* and behaving badly with her and started assaulting with *Lathi* and *Danda* due to which, her both legs became fractured and hurt was also caused on her head and blood started oozing out from her nose. When her husband and family members came to rescue her, accused persons also caused hurt to them in which hand of her son Rakesh Sah became fractured. Thereafter, they fled away. In the morning also, all the accused persons assaulted her family members. The injured were admitted in *Pakaridayal Referral Hospital* and from there they were referred to *Sadar Hospital, Motihari* and from there they were also referred to *Medical College, Muzaffarpur*.

It has been submitted by learned counsel for the petitioner nos. 2 to 5 that the petitioner nos. 3 and 5 have got no



criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner nos. 2 to 5. The petitioner nos. 2 to 5 have falsely been implicated in the present case due to previous enmity. It is case and counter case 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 learned counsel for the State, it has been submitted that the petitioner nos. 2 to 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 5 (except petitioner no. 1 Rambabu Shah and petitioner no. 6 Jitendra Sah) 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 C.J.M. Motihari, East Champaran, in connection with Pakaridayal P.S. Case No. 173 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)