

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69761 of 2018

Arising Out of PS. Case No.-256 Year-2014 Thana- CHANPATIA District- West Champaran

1. Mosmtt. Jasiya Devi, W/o - Late Chandradev Singh
2. Sushila Devi D/o Late Chandradev Shah
3. Samito Devi @ Samita Devi @ Sangita Devi, D/o- Late Chandradev Shah
4. Nirmala Devi, W/o -Birendra Sah
5. Mina Kumari @ Mira Kumari, D/o- Birendra Shah
6. Birendra Sah, S/o- Late Chndradev Shah, All are Resident of Village-Semra Parsa,P.S. Chanpatiya (Sirisia O.P.) Distt.-West Champaran,Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma
For the Opposite Party/s : Mr. Sri Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 332, 363, 504, 225 and 337 of the Indian Penal Code.

The prosecution case as per the written report of Ramadhar Ram, being the S.I. of Police, submitted to the Station House Officer, Chanpatiya (Sirisia O.P.) Police Station is to the effect that when the informant and other police personnel went to arrest petitioner no.6, Birendra Shah in connection with Sirisia P.S. Case No. 372 of 2013, registered for the offences



punishable under Sections 341, 323 and 504/34 of the IPC and Section 3(1)(x) of the SC/ST (Prevention of Atrocities Act, petitioner nos. 1 to 5 being the family members of petitioner no.6, obstructed his arrest and got him released from the police custody.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 to 5 have been roped in the present case simply because they happen to be the relatives of petitioner no.6, who has subsequently been granted bail in the earlier case. A statement has been made in paragraph no.3 of the petition that the petitioner nos. 1 to 5 are not having any criminal antecedent, whereas petitioner no.6 is involved in one other case also.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to petitioner no.6 simply because it is alleged against him that he was apprehended by the police but was released subsequently by his relatives.

Accordingly, the prayer for anticipatory bail of petitioner no.6 is rejected.

Let the learned Court below consider the prayer for regular bail of petitioner no.6 if he surrenders within a period of six



weeks.

So far as petitioner nos. 1 to 5 are concerned, considering the omnibus and general accusation against them, coupled with statement made in paragraph no.3 of the petition that the petitioner nos. 1 to 5 are not having any criminal antecedent, let the above named petitioner nos. 1 to 5 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 ACJM-V, Bettiah, West Champaran in connection with Chanpatiya (Sirisia O.P.) P.S. Case No. 256 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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