

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29150 of 2018

Arising Out of PS,Case No. -306 Year- 2017 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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1. Genda Lal Sah @ Gena Lal Sah, S/o Sathu Sah,
2. Bhanu Sah @ Mukesh Sah S/o Lalo Sah,
3. Mohan Sah S/o Shakar Sah,
4. Shatrudhan Sah S/o Shankar Sah, All R/o Vill.- Kataha, P.S.- Mehsi ,
Distt.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 14-05-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks pre-arrest bail in connection with
Mehsi P.S. Case No.306 of 2017 registered for the offences under
Sections 323, 324, 307, 379, 448, 325, 447and 504/34 of I.P.C..

Accusation is that 7 persons named in the F.I.R. including
the petitioners having lathi, danda and iron rod in their hands
surrounded the informant while he was going to attend the call of
nature near the bank of the Gandak river and abused him and
asked the informant why he was claiming his share and assaulted



him causing injury on his head due to which he fell down. Then Kamlesh Sah assaulted him with rod causing injury on his left hands and Lalo Sah gave him lathi blow causing fracture injury on his right leg.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the F.I.R. that the specific allegation of causing injury has been attributed to co-accused Kamlesh Sah and Lalo Sah and not to these petitioners. That apart all injuries are said to be simple in nature as the injuries are on right leg below knee joint and wrist joint of left hand. Further submission is that the occurrence of mar pit occurred due to land dispute in which the petitioners' side also sustained injuries regarding which Mehsi P.S.Case No.288 of 2017 was lodged under Sections 323, 324, 341, 447, 354-A(i), 307, 379, 504/34 of the I.P.C. against the informant and others on the basis of the fard-e-beyan of co-accused Lagni Devi.

Having considered the facts and the circumstances of the case, let the petitioner above named, in the event of his arrest or surrender before the court below within six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- with two



sureties of the like amount each to the satisfaction of the A.C.J.M.,
VI, East Champaran at Motihari, in Mehsi P.S. Case No.306 of
2017 subject to the conditions as laid down under Section 438(2)
of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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