

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57010 of 2018

Arising Out of PS.Case No. -23 Year- 2018 Thana -BASANHI District- SAHARSA

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1. Bisheshwar Sah, S/o Late Chhote Lal Sah,
 2. Sahdeo Sah S/o Late Chhote Lal Sah,
 3. Umakant Sah S/o Late Siya Ram Sah,
 4. Krishna Mohan Sah @ Gholat Sah S/o Late Siya Ram Sah,
 5. Sikandar Sah S/o Late Siya Ram Sah,
 6. Lalit Sah S/o Late Vasudeo Sah,
 7. Arwind Sah S/o Late Vasudeo Sah,
 8. Rajjee Kumar S/o Krishna Mohan Sah @ Gholat Sah,
 9. Mithilesh Sah S/o Umakant Sah,
 10. Rupesh Sah S/o Uma Kant Sah, All R/o Vill.- Barsam, P.S.- Basnahi,
District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-10-2018 Learned counsel for the petitioners is permitted to

make necessary correction in the cause title in the course of the

day.

Heard learned counsel for the petitioners and learned

counsel for the State.

The petitioners seek pre-arrest bail in connection

with Basnahi P.S.Case No. 23 of 2018 registered under Sections

341, 323, 325, 354, 504, 506, 448, 307, 379 & 34 of the Indian

Penal Code and 27 of the Arms Act.



It is submitted that save and except petitioner no. 2 Sahdeo Sah, petitioner no. 4 Krishna Mohan Sah @ Gholat Sah and petitioner no. 8 Raijee Kumar, all other petitioners have been arrested by the police. Hence, their application for grant of pre-arrest bail has become infructuous.

In view of the submission made above, the prayer of the petitioners, namely, Bisheshwar Sah, Umakant Sah, Sikandar Sah, Lalit Sah, Arwind Sah, Mithilesh Sah and Rupesh Sah for grant of pre-arrest bail is disposed of as infructuous.

While arguing the case for the remaining three petitioners, learned counsel for the petitioners submitted that though the alleged occurrence of offence took place on 10.03.2018, FIR was registered after seven days on 17.03.2018. As a matter of fact, the FIR in question has been instituted in retaliation to the FIR bearing Basnahi P.S. Case No. 22 of 2018 dated 12.03.2018 registered under Section 341, 323, 324, 307, 354, 379, 385, 504, 506 & 34 of the Indian Penal Code and 27 of the Arms Act on the basis of statement of Sahdeo Sah (petitioner no. 2) in which the members of the prosecution party were made accused. It is further contended that admittedly no grievous injury has been caused any person.

Learned counsel for the State opposed the prayer for



grant of pre-arrest bail of the petitioners.

Regard being had to the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner nos 2 Sahdeo Sah, petitioner no.4 Krishna Mohan Sah @ Gholat Sah and petitioner no.8 Rajee Kumar are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Basnahi P.S. Case No. 23 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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