

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4056 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- BAIRIYA District- West Champaran

1. Vijay Sah, S/o Shatrudhan Sah.
2. Shatrudhan Sah, S/o Krishna Sah.
3. Sunil Sah, S/o Chanchal Sah.
4. Anil Sah, S/o Chanchal Sah.
5. Mahesh Mahto, S/o Jadu Mahto.
6. Manju Devi W/o Manager Mahto.
7. Marich Sah @ Raju Sah, S/o Chandrika Sah.

All are R/o Village-Bhadiharwa, P.S-Nautan, (wrongly stated in the F.I.R as per Bairiya) District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Bairiya P.S. Case No.340 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353, 337, 338, 427 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the informant of the present case who is the Sub-Inspector of Police posted at Bairiya Police Station seems to have exceeded his jurisdiction by lodging the present F.I.R inasmuch as, if the dispute between the petitioners and the Pawan was taking place



within the area falling in the Nautan Police Station being Nautan P.S. Case No. 465 of 2018 dated 08.09.2018 there was no reason for the informant of the present case to go to the house of Pawan who was informant of Nautan P.S. Case. It is further submitted that in any view of the matter, the specific allegation of assault is only against Manager Sah and not against these petitioners. Learned counsel submits that although, there are allegations of assault against petitioner nos.1, 2 and 3 but they have made a categorical statement in Paragraph '6' of the petition that there is a single injury wherein the informant, Shyamand Jha is said to have got a lacerated wound about 12 cm X 2 cm on left parietal region which is specifically attributed to co-accused Manager Sah and there is no injury to anybody. It is thus submitted that the allegations against these petitioners are only false and baseless.

Learned APP for the State is present and has opposed the prayer for bail but admits the factual position as appearing from the records that the allegation of assault on the head of the informant is specifically attributed to Manager Sah only.

In the given facts and circumstances, considering that the specific allegation is against Manager Sah who is not before this Court in the present application and that the allegation



against petitioner nos.1, 2 and 3 are not supported by the injury report and there are specific allegations of assault against Manager Sah, let in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners be enlarged on bail on furnishing bail bond of Rs.15,000/-(rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VII, Bettiah in connection with Bairiya P.S. Case No.340 of 2018, subject to the condition that petitioners shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of their bail bonds. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.OJha/-

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