

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10528 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- BAIRIYA District- West Champaran

-
1. Gallu Sah @ Gallu Kumar Sah Son of Dahadi Sah
 2. Raju Sah Son of Nagendra Sah
 3. Deepu Sah Son of Dahadi Sah
 4. Baldev Sah Son of Bhikhari Sah
 5. RamChandra Sah Son of Late MotiLal Sah
 6. Raja Lal Sah Son of Late Motilal Sah
 7. Sita Devi Wife of Dahadi Sah
 8. Shanti Devi Wife of Baldev Sah
 9. Kavita Kumari Daughter of Dahadi Sah
- All Residents of Village - Tadhawanandpur, P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2019 At the outset, it is submitted that during pendency of this application, the petitioner No. 4 namely, Baldev Sah has been taken into custody and hence, he seeks permission to withdraw this application in respect of petitioner No. 4.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner No. 4 only.

Heard learned counsel for the rest petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case



registered under Sections 341, 447, 323, 325, 307, 354, 379, 504, 506/34 of the Indian Penal Code and $\frac{3}{4}$ of Prevention of Witch (Daain) Practices Act, 2011.

The prosecution case, in brief, is that all the accused persons variously armed, came at the door of the informant and damaged the house constructed on raiyati land and on objection, the accused persons assaulted the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. The grievous injury is said to be on non-vital part of the body. Hence, no offence u/S 307 of the Indian Penal Code is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 1, 2, 3, 5, 6, 7, 8 & 9 above named, in the event of arrest/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 learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 238 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

