

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11246 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- BAJPATI District- Sitamarhi

1. Kamlesh Sah, aged about 25 Years, Male, Son of Rambabu Sah, resident of Village-Basant, P.S. Bajpatti, District-Sitamarhi.
2. Rakesh Kumar @ Rakesh Sah, aged about 21 Years, Male, Son of Rambabu Sah, resident of Village-Basant, P.S. Bajpatti, District-Sitamarhi.
3. Ramsikil Devi @ Veena Devi, aged about 45 Years, Female, Wife of Rambabu Sah, resident of village-Basant, P.S.-Bajpatti, District-Sitamarhi.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Devendra Kumar, Advocate.
For the Opposite Party : Mr.Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending his arrest in a case
for the offence registered under Sections 341, 323, 307 and
379/34 of the IPC.

The prosecution story, in brief, is that on 15.08.2018
while the informant was coming from Awapur, accused persons
including the petitioners came armed with Lathi, Farsa, Garasa
and accused Kamlesh Sah (petitioner no. 1) assaulted the
informant by Farsa on his head causing cut injury. Co-accused
Ram Babu Sah assaulted the informant by Garasa on his hand



causing cut injury. Rakesh Sah (petitioner no. 2) and Co-accused Veena Devi took away Hanumani and cash Rs. 4,000/- from possession of the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hand. Petitioner no. 3 is a lady.

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

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned S.D.J.M. Pupari, Sitamarhi, in connection with Bajpatti P.S. Case No. 236 of 2018, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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