

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13289 of 2019

Arising Out of PS. Case No.-108 Year-2018 Thana- MORKAHI District- Khagaria

1. Ajay Sah, aged about 32 Years, Gender-Male, Son of Okil Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.
2. Tejo Sah, aged about 34 Years, Gender-Male, Son of Okil Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.
3. Hemant Sah, aged about 36 Years, Gender-Male, Son of Feku Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.
4. Balmiki Sah, aged anpit 42 Years, Gender-Male, Son of Late Ram Sahay Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.
5. Jawahar Sah, aged about 50 Yeatrs, Gender-Male, Son of Late Ram Sahay Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.
6. Maheshvar Sah, aged about 55 Years, Gender-Male, Son of Late Ram Sahay Sah, Resident of Village-Banehar, P.S.-Morkahi, District-Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rakesh Kumar Ranjan, Advocate.
For the Opposite Party : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 504, 506, 325, 307, 354(B) and 379 of the IPC.

The prosecution story, in brief, is that the petitioner no. 1 Ajay Sah forcibly possessed 10 Dhurs of land of the informant and started construction work over same for which a



panchayati was convened and it was decided that the petitioner no. 1 Ajay Sah will pay Rs. 1.5 Lacs to her but he did not pay the said amount. On 25.08.2018, when she went at her land, she saw that petitioner nos. 1, 2, 3 Ajay Sah, Tejo Sah and Hemant Sah were constructing house on her land on which she asked why they were constructing house over which they abused her and when she raised objection, they assaulted her with Lathi and Iron rod. On alarm, her husband Kamleshwari Sah and son Sanoj Kumar came to rescue her but in the meantime, petitioner nos. 5, 6, 4 Jawahar Sah, Maheshwar Sah and Balmiki Sah came there and assaulted them with Lathi and Iron rod. In the meantime, co-accused Ranjan Kumar and Kundan Sah came there and assaulted them with rod and Lathi and petitioner no. 1 Ajay Sah caught her hair, knocked her down and snatched her gold ear-rings.

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 hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

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. Khagaria, in connection with Morkahi P.S. Case N. 108 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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