

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19458 of 2019**

Arising Out of PS. Case No.-300 Year-2018 Thana- BARACHATTI District- Gaya

1. Rajesh Sao, Son of Tribhuwan Sao Resident of Village- Somiya Tola- Kewaliya, P.S.- Barachatti, District- Gaya.
2. Guddu Sao, Son of Ram Lal Sao Resident of Village- Somiya Tola - Kewaliya, P.S.- Barachatti, District- Gaya.
3. Mahesh Sao, Son of Pun Sao Resident of Village- Somiya Tola- Kewaliya, P.S.- Barachatti, District- Gaya.
4. Durgesh Sao @ Durgesh Kumar, Son of Mahesh Sao Resident of Village- Somiya Tola- Kewaliya, P.S.- Barachatti, District- Gaya.
5. Shila Devi, Wife of Mahesh Sao Resident of Village- Somiya Tola- Kewaliya, P.S.- Barachatti, District- Gaya.
6. Shailesh Sao @ Sales Saw, Son of Late Raghuveer Sao Resident of Village- Bholuwar Kutiya, P.S.- Gurna, District- Gaya.
7. Sandeep Sao, Son of Tilla Sao @ Dila Saw Resident of Village- Goli Badagaon, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Javed Jafar Khan  
For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      24-07-2019                      Heard learned counsel, Mr. Manoj Kumar Jha, for  
  
the petitioner and learned counsel appearing on behalf of the  
  
State.

Petitioners apprehend their arrest in connection with  
Barachatti P.S. Case No.300 of 2018 for the offence punishable  
under Sections 147, 148, 149, 341, 323, 324, 307, 302 of the  
Indian Penal Code and Section 27 of Arms Act and Section ¾ of



Dyne Act.

Mr. Jha, at the very outset seeks permission to withdraw this application with regard to petitioners No.1, 2, 3 and 4. Permission is accorded. Accordingly, this application is dismissed as withdrawn against petitioners No.1, 2, 3 and 4.

Insofar as petitioners No.5, 6 and 7 are concerned, learned counsel for the petitioners submits that from perusal of First Information report, it would be apparent that no specific allegation of assault has been made against these petitioners. There is no allegation of holding any weapon of assault by petitioner No.5, 6 and 7. It is further submitted that Petitioner No.5 is female member and petitioner No.7 is 23 years old, therefore, these petitioners may be released on anticipatory bail.

Learned counsel further submits that both the parties are related and agnates and have been falsely implicated due to oblique motive.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is no specific allegation against petitioners No.5, 6 and 7 for assaulting the informant and the deceased and allegations appears to be against



petitioners No.1, 2, 3 and 4, as such I am inclined to grant anticipatory bail to petitioners No.5, 6 and 7.

Accordingly, petitioner No.5, Shila Devi, petitioner No.6, Shailesh Sao and petitioner No.7, Sandeep Sao, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Barachatti P.S. Case No.300 of 2018, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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