

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14345 of 2019

Arising Out of PS. Case No.-484 Year-2018 Thana- MAJHAULIA District- West Champaran

Umesh Sah, Son of Thakuri Sah, Resident of Village- Semra Brit, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-03-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 24.12.2018 in a case registered for the offences punishable under Sections 307, 341, 323, 324, 325, 448, 380, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Pravej Alam submitted to the S.H.O., Majhauria P.S. is to the effect that on 28.10.2018 at 08.00 A.M., the informant went to sugarcane field for taking grass, in the meantime, co-accused Raju Sah and Jitendra Sah started throttling him by putting



towel around his neck, for non-fulfillment of extortion of Rs. 2,00,000/-. On alarm being raised by the informant, nearby people and family members of the informant came, all the accused persons escaped from the scene. Subsequently, all the accused persons came variously armed to the house of the informant and started assaulting the informant and his family members and robbed household articles. It is further alleged that co-accused, Raju Sah assaulted with Farsa on the head of the informant causing bleeding injury and co-accused, Shiv Pujan Sah assaulted the informant with garasa and Jitendra Sah assaulted the informant with spear. It is also alleged that the petitioner assaulted the informant with iron rod, as a result, the informant became unconscious and subsequently, he was taken to the hospital for treatment by his family members.

It is submitted by learned counsel for the petitioner that there is a counter version of occurrence also being, Majhauria P.S. Case No. 486 of 2018 against the informant and others. It is further submitted that injuries caused to the informant have been found simple in nature and similarly situated two co-accused persons, Jitendra Sah and Shiv Pujan Sah have been granted bail by Co-ordinate Bench of this Court, vide order dated 05.02.2019 passed in Cr. Misc. No. 6498 of



2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the accusation is not corroborated by any medical opinion and there is counter version of occurrence also, co-accused persons have been granted bail by Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **C.J.M., West Champaran, Bettiah** in connection with **Majhauria P.S. Case No.484 of 2018.**

(Dinesh Kumar Singh, J)

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