

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19591 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- BIHARIGANJ District- Madhepura

1. Vilash Sah, Age - 24 years, Male, Son of Chandeshwari Sah
 2. Arun Sah Age - 39 years, Male, Son of Gurudev Sah
 3. Tuntun Sah Age - 48 years, Male, Son of Gurudev Sah
 4. Barun Sah Age - 37 years, Male, Son of Gurudev Sah
 5. Kanchan Devi Age - 29 years, Female, Wife of Tuntun Sah
 6. Rekha Devi Age - 31 years, Female, Wife of Varun Sah
 7. Meena Devi Age - 58 years, Female, Wife of Chandeshwari Sah
 8. Guddi Devi Age - 21 years, Female, Wife of Vilash Sah
- All residents of Village - Pararia, Akhari Tola, Ward No.2, P.S.- Bihariganj,
District- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Nafisuzzoha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 02-04-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 323, 341, 307, 354(A), 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Bihariganj P.S. Case No. 227 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event, accusations of assault are general and omnibus in nature against all the petitioners, four of whom happen to be the ladies. There is case and counter case in connection with land dispute between the parties. The petitioners claim clean antecedents.

4. Having regard to the nature of accusations, gravity of offence alleged and considering that injury nos. 2 and 4 of the injured



Shatrughan Sah have been found to be grievous in nature, this Court is not inclined to grant the privilege of anticipatory bail to petitioner nos. 1 to 4, namely, Vilash Sah, Arun Sah, Tuntun Sah and Barun Sah. The anticipatory bail petition as against them stands dismissed.

5. As regards petitioner nos. 5 to 8, namely, Kanchan Devi, Rekha Devi, Meena Devi and Guddi Devi all being the ladies, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishunganj at Madhepura in connection with Bihariganj P.S. Case No. 227 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of petitioner nos. 5 to 8 shall be their close relatives.

(ii) That petitioner nos. 5 to 8 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner nos. 5 to 8 shall be well represented in court on each and every date during trial except as and when directed by learned court to be physically present and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner nos. 5 to 8 shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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