

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16437 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- CHANPATIA District- West Champaran

1. MOHAN SAH Son of Late Bhagelu Sah R/o village- Pipra Mauja Jaitiya, P.S.- Chanpatia, District- West Champaran
2. Motilal Sah Son of Mohan Sah R/o village- Pipra Mauja Jaitiya, P.S.- Chanpatia, District- West Champaran
3. Dhani Lal Sah Son of Mohan Sah R/o village- Pipra Mauja Jaitiya, P.S.- Chanpatia, District- West Champaran
4. Nisha Devi Wife of Ahothi Sah @ Anhoti Sah R/o village- Pipra Mauja Jaitiya, P.S.- Chanpatia, District- West Champaran
5. Asha Devi Wife of Mohan Sah R/o village- Pipra Mauja Jaitiya, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Mr.Pramod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Chanpatia P.S. Case No.406 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 354(B), 504 and 506 of the Indian Penal Code.

The accusation is that 9 persons, named in the F.I.R., including the petitioners variously armed with weapons came at



the door of the informant Chhotelal Sah. In that course, Motilal Sah (petitioner no.2) caused injury at the head of the informant through Daab, due to which the informant fell down upon which the petitioner no.2 caused injury at the head and three fingers and thumb of left hand of the informant through Daab. Mohan Paswan (petitioner no.1) caused injury at the chest of the informant through iron rod. When Uttam Kumar, rushed to save the informant then Brajesh Prasad caught hold of him and the petitioner no.1 caused injury at his waist through iron rod. Dhanilal Sah (petitioner no.3) caused injury at the neck and both shoulder of Uttam Kumar. Asha Devi (petitioner no.5), Rani Kumari and Nisha Devi (petitioner no.4) caused injury to them through chips of bricks. When Kushmi Devi rushed to save the informant, petitioner no.5 and Rani Kumari dashed her on the ground catching her hair and the petitioner no.1 torn her blouse. The petitioner no.4 threw liquid of chilly powder at the eyes of Uttam.

Learned counsel for the petitioners submits that due to dispute of path, the occurrence of “Maar-Peet” took place in between the parties in which the petitioners’ side also sustained injury regarding which Chanpatia P.S. Case No.407 of 2018 was also instituted against the informant and others on the basis of



the fardbeyan of Motilal Kumar. Moreover, the injuries, as found on the person of the informant and Uttam Kumar, are simple in nature except the injury as found on the fingers of the informant regarding which the opinion was kept reserved.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-VII, West Champaran at Bettiah, in connection with Chanpatia P.S. Case No.406 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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