

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75176 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Teni Sah,
2. Upendra Sah,
3. Bhagwan Sah, All Sons of Rameshwar Sah,
4. Rameshwar Sah, Son of Late Kanchan Sah,
5. Raj Kumar Sahni, Son of Binod Sahni,
6. Jamadar Sahni, Son of Dukhan Sahni,
7. Ram Pravesh Sahni, Son of Jogi Sah, All are resident of Village- Senuaria Ward No.9, P.S.- Majhauiliya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 324, 452, 380, 436, 427, 504 and 354 of the IPC.

The prosecution case, as per the written report of Ramayan Sah submitted to the Station House Officer, Majhauilia Police Station, is to the effect that on 29.06.2018 at about 01.00 P.M., seven accused persons came and started misbehaving with the ladies members of the informant's family. On protest being made, they robbed the articles of the house of the informant. It is further alleged that when the son and father of the informant



made protest, petitioner no.3, Bhagwan Sah and petitioner no.5, Raj Kumar Sahni assaulted them with lathi and rod. It is further alleged that petitioner no.1, Teni Sah and petitioner no.6, Jamadar Sahni broke the lock of the box kept in the house and robbed gold jewellery and cash amount of Rs. 1,00,000/-. In the meantime, when sister of the informant raised alarm, then she was also assaulted by the co-accused Raju Kumar on the right hand, causing fracture injury. Thereafter, on the order of petitioner no.4, Rameshwar Sah, the petitioner no.1 Teni Sah put the house of the informant on fire.

It is submitted by the learned counsel for the petitioner that the accusation is omnibus and general against the petitioners. It is further submitted that no residential house is found burnt. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. There is no injury report of the sister of the informant, Most. Anu Devi who has been assaulted by the petitioner no.5, Raj Kumar Sahni is not brought on record. A statement to that effect is made in paragraph no.10 of the petition, which reads as follows:-

“10. That the injury report of Most. Anu Devi is not on record of the case, so the petitioner submit that the allegation of assault of Most. Anu Devi is false.”

It is submitted by the learned APP for the State that



the accusation of assault and putting the house of the informant on fire has been levelled against the petitioners.

Considering the fact that there is specific accusation against the petitioner no.1, Teni Sah, this Court is not inclined to grant him privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no.1, is rejected.

Let the learned Court below be consider the prayer for regular bail of the petitioner no.1, Teni Sah if he surrenders with a period of six weeks in connection with **Majhaulia P.S. Case No.267 of 2018**, pending in the Court of **C.J.M., Bettiah, West Champaran.**

So far as petitioner nos.2 to 7 are concerned, since from the impugned order it does not reflect that any injury has been caused to the sister of the informant and the accusation is omnibus and general in nature, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned **C.J.M., Bettiah, West Champaran**
in connection with **Majhulia P.S. Case No.267 of 2018,**
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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