

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23736 of 2019

Arising Out of PS. Case No.-407 Year-2018 Thana- CHANPATIA District- West Champaran

1. Chhotelal Sah Son of late Devnarayan Sah Resident of Village - Pipra, P.S.- Chanpatiya, Distt - West Champaran.
2. Shambhu Sah Son of late Devnarayan Sah Resident of Village - Pipra, P.S.- Chanpatiya, Distt - West Champaran.
3. Kamlesh Sah Son of late Ganesh Sah Resident of Village - Pipra, P.S.- Chanpatiya, Distt - West Champaran.
4. Sheshnath Sah Son of Late Ganesh Sah Resident of Village - Pipra, P.S.- Chanpatiya, Distt - West Champaran.
5. Sudarshan Sah Son of late Ramchandra Sah Resident of Village - Pipra, P.S.- Chanpatiya, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-07-2019 Learned counsel for the petitioners seeks permission to withdraw this bail petition on behalf of petitioner no. 2 Shambhu Sah.

Permission is granted.

Accordingly, this bail petition is dismissed as withdrawn against the petitioner no. 2 (Shambhu Sah)

Heard learned counsel for the petitioner no. 1 and 3 to 5 and learned APP for the State.

Petitioners apprehend their arrest in connection



with Chanpatiya P.S. Case No. 407 of 2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 337, 338, 380, 504 and 506 of the Indian Penal Code.

Petitioners along with other named accused persons are said to have been damaging gate and forcibly occupying land of the informant and on protest made by him, they assaulted him by means of lathi and co-accused Shambhu Sah is said to have assaulted on the head of the informant by means of butt of the pistol.

It is submitted on behalf of the petitioner no. 1 and 3 to 5 that no such occurrence as alleged ever took place. There is land dispute between the parties. There is case and counter case between the parties. Several persons of the petitioners side also sustained injury in the occurrence. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. Barring injury attributed to Shambhu Sah which is head injury and grievous in nature other injuries are on non-vital part and simple in nature.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the petitioner nos. 1, 3, 4 and 5 be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. West Champaran at Bettiah in connection with Chanpatiya P.S. Case No. 407 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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