

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41888 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- KISHUNPUR District- Supaul

1. Sakindev Sah @ Sakaldev Sah @ Sakindev Kumar, aged about 20 years (Male), Son of Ram Narayan Sah, Resident of Village-Chilhawa, P.S.-Kishanpur, District-Supaul.
2. Umesh Sah, aged about 22 years (Male), Son of Sumana Sah, Resident of Village-Chilhawa, P.S.-Kishanpur, District-Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjay Kumar Singh, Advocate.
For the Opposite Party : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-09-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek bail in a case for the offence registered under Sections 341, 323, 324, 325, 307, 447, 448, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 22.06.2018, at about 3.00 P.M., Sakindev Sah (petitioner no. 1), Umesh Sah (petitioner no. 2), co-accused Naresh Kumar Sah, Suresh Kumar Sah, Ram Narayan Sah, Surya Narayan Sah, Badari Sah and Bijendra Sah, Chhutra Sah and Sudama Devi came at the door of Ram Krishna Sah with Lathi and Farsa and started abusing. At that point of time, Ram Kishun Sah was sleeping in his house



and his son Laldeo Sah was sleeping in the courtyard of his house, Savitri Devi, came from the field after cutting grass and was sitting in her door. Sunita Devi, was also sleeping in her house. Then all accused persons assaulted them. Sakindeb Sah (petitioner no. 1) assaulted to Savitri Devi with Farsa causing right hand injury. Co-accused Naresh Kumar Sah also assaulted to Sunita Devi causing hand injury. Injured were treated in Kishanpur Hospital from where they referred at Darbhanga Hospital and thereafter they referred to Patna where the doctor opined that due to injury, their hand may be cut. It has further alleged that Umesh Kumar Sah (petitioner no. 2) assaulted to Laldeo Sah with Farsa, causing leg injury. When Ramkishun Sah came to save his son Laldeo Sah he was also assaulted causing left hand injury.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 05.04.2019. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties.



Injuries are on non-vital part of the body. No offence under Section 307 of the I.P.C. is made out. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. Other co-accused has been granted bail by this Court vide Cr. Misc. No. 26960 of 2019 under order dated 10.05.2019.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Supaul, in connection with Kishanpur P.S. Case No. 171 of 2018.

(Sudhir Singh, J)

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