

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66891 of 2018

Arising Out of PS. Case No.-194 Year-2018 Thana- LAUKAHA District- Madhubani

Bauku Sah @ Kusheshwar Sah, S/o-Late Shobhi Sah, R/o-Village- Bishanpur,
P.S.- Laukaha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the State : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 07.09.2018 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354B, 379 and 504/34 of the IPC.

The prosecution case, as per the Chandrakala Devi, recorded by Arun Kumar Mishra, A.S.I., of Khutauna Police Station on 31.07.2018 at emergency ward of Primary Health Centre, Khutauna is to the effect that on the same day, the informant went to call the panches for resolving an earlier land dispute and while returning, she was being surrounded by eight accused persons including the petitioner, who were variously armed. It is further alleged that all the accused persons started abusing the informant and on protest being made, on the order



of co-accused Bindeshwari Sah, the petitioner assaulted the informant with farsa on her head, as a result, the informant fell down, thereafter, co-accused Bindeshwari Sah tried to throttle the informant and when the husband of the informant, Surendra Prasad Sah, sister-in-law, Madhumala Devi and Urmila Devi and neighbour of the informant, Manoj Sah came to rescue her, then they were also assaulted by the petitioner with farsa. It is further alleged that co-accused, Bindeshwar Sah tried to disrobe the informant, whereas co-accused, Sitaram Sah assaulted the sister-in-law of the informant and snatched her gold chain. The accused persons also gave life threat to the informant.

It is submitted by learned counsel for the petitioner that admittedly, in the background of land dispute, the accusation has been levelled against the petitioner. The petitioner's side also lodged Laukaha P.S. Case No. 195 of 2018 against the informant's side on 02.08.2018. Though, one incise injury, on the left temporal region of the informant has been found and the same has been treated to be grievous, but the petitioner has also received larger injury than that of the informant, but the same has been treated to be simple. It is further submitted that co-accused Nathuni Sah received grievous injury. There is no accusation of repeating the blow against the petitioner. A



statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that there is specific accusation against the petitioner and the injury of the informant has been found to be grievous.

Considering the genesis of the occurrence, a counter case being lodged by the petitioner's side, petitioner's side also received grievous injury and the period under custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Jhanjharpur in connection with Laukaha P.S. Case No. 194 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

