

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44089 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- RANIGANJ District- Araria

1. Ganga Sah @ Ganga Prasad Sah Son of Shiwan Sah @ Shiwanand Sah Resident of Village- Matiyari, P.S.- Raniganj, District- Araria.
2. Ajay Sah Son of Shiwan Sah @ Shiwanand Sah Resident of Village- Matiyari, Police Station- Raniganj, District-Araria
3. Vijay Sah @ Vijay Kumar Son of Shiwan Sah @ Shiwanand Sah Resident of Village-Matiyari, Police Station- Raniganj, District-Araria
4. Tulsi Sah Son of Shiwan Sah @ Shiwanand Sah Resident of Village- Matiyari, Police Station- Raniganj, District-Araria
5. Shiwan Sah @ Shiwanand Sah Son of Falku Sah Resident of Village- Matiyari, Police Station- Raniganj, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 13-11-2019 The pre-arrest bail application of petitioner Nos. 1 and 5, namely, Ganga Sah @ Ganga Prasad Sah and Shiwan Sah @ Shwanand Sah has already been dismissed as infructuous vide order dated 22.07.2019.

Heard learned counsel appearing on behalf of petitioners No. 2, 3 and 4 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Raniganj P.S. Case no. 120 of 2019, registered under Sections 147, 149, 447, 341, 323, 324, 354, 379, 504 and 506 of the Indian Penal Code.



The accusation is that 13 persons named in the F.I.R, including the petitioner Nos. 2, 3 and 4, namely, Ajay Sah, Vijay Sah @ Vijay Kumar and Tulsi Sah variously armed with weapons came at the door of the informant Rukmani Devi and started to abuse, when she made protest then she was surrounded by them and caused assault by means of fist and slaps. When Khusboo Kumari, daughter of the informant, rushed to save her then with bad intention Ganga Sah, Ajay Sah (Petitioner No.2), Vijay Sah (Petitioner No.3) forcibly caught hold her and started to drag her towards their house. On raising alarm, Siwan Sah ordered to carry the informant and her daughter, thereafter, all started to cause assault through iron rod in which brother-in-law of informant sustained fracture injury at his left leg and her clothes was also unfolded. When Rahul Kumar, son of the informant, rushed then he was also assaulted by them. At that time, Ajay Sah (Petitioner No.2), Vijay Sah (Petitioner No.3) and Tulsi Sah (Petitioner No.4) started twisting cloth of his daughter in the neck of daughter of informant and dragged towards their house. At that time, silver chain of the informant was snatched by Siwan Sah.

Learned counsel for the petitioner Nos. 2, 3 and 4 submits that while petitioner Nos. 2, 3 and 4 are named in the



F.I.R. with allegation of pressing the neck by folding cloth to the neck of the daughter of the informant, but no any apparent injury was found on the neck of Khusboo Kumari. Moreover the nature of injury as found on the person of informant Rukmani Devi, Khusboo Kumari, Rahul Kumar and Yogendra Mandal is of simple in nature. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner Nos.2, 3 and 4, namely, Ajay Sah, Vijay Sah @ Vijay Kumar and Tulsi Sah, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 120 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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