

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47993 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champanan

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1. Surendra Sah, Son of Gena Sah
 2. Satyendra Sah, Son of Gena Sah
 3. Gena Sah, Son of Rambriksha Sah
 4. Nagina Sah, Son of Rambriksha Sah
 5. Santosh Sah @ Santosh Kumar, Son of Gobari Sah @ Gobri Sah
 6. Sunil Sah @ Sunil Kumar, Son of Gobari Sah @ Gobri Sah
 7. Anil Sah, Son of Gobari Sah @ Gobri Sah

All resident of Village - Mahangua, P.S.- Muffasil Motihari, Distt.- East
Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shail Kumari, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 20-11-2019 The petitioners seek bail in anticipation of their

arrest in connection with Muffasil P.S. Case No. 7 of 2019,

dated 04.01.2019, instituted for the offences under Section

302 of the Indian Penal Code.



It has been alleged by the informant that all the accused persons assaulted his two sons, viz., Bhuteli Sah and Laddu Sah. However, it has specifically been alleged that on the orders of Surendra Sah (petitioner No. 1), Sonu Sah assaulted Bhuteli Sah by means of iron rod, leading to his death.

Mr. Sharda Nand Mishra, learned counsel for the petitioners has submitted that the entire family of the petitioners have been made accused in this case because of an old dispute and the petitioners as well as the informant are agnates.

Surendra Sah (petitioner No. 1) is said to have ordered, whereupon Sonu Sah is said to have given fatal blow. The bail petition of aforesaid Sonu Sah has already been rejected by this Court.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to petitioner No. 1/Surendra Sah.

The prayer for anticipatory bail of petitioner No. 1 is, accordingly, rejected. However, should petitioner No. 1 surrender before the Court below within a period of four



weeks and seek regular bail, the Court below shall consider his case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

So far as petitioner Nos. 2 to 7 are concerned, in the event of their arrest or surrender before the learned Court below within a period of four weeks, they are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 7 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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