

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56407 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- BIHARIGANJ District- Madhepura

1. Nirmal Sah, aged about 35 years, Male, Son of Pradip Sah, Resident of Parahirpur, Ward No. 11, P.S. Bihariganj, District- Madhepura.
2. Sudhakar Sah, aged about 32 years, Male, Son of Pradip Sah, Resident of Parahirpur, Ward No. 11, P.S. Bihariganj, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rakesh Kumar Sharma, Advocate.
For the Opposite Party : Mr.Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 31.05.2019 in a case for the offence registered under Sections 341, 342, 147, 148, 323, 324, 307, 380, 354, 435, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 30.05.2019 at around 10.30 A.M., while the informant was sitting at her door alongwith her son, co-accused Pradeep Sah and 12 others surrounded her house and began to assault them with Lathi-Danda indiscriminately. Co-accused Pradeep Sah assaulted with Iron rod on her head causing her severe head injury. When her



sons Surendra Sah and Bahadur Sah came to save her, Nirmal Sah (petitioner no. 1) struck him on his head with the machine handle which caused him head injury. Thereafter, all accused persons caught hold the informant by hair and began to drag her and calling her '*Dain*' and in course of dragging, the informant became nude. Thereafter, other accused persons came with the bottle of Kerosene Oil and after pouring it, set the dwelling house of the informant on fire converting it into ashes. When her son and daughter-in-law raised protest, all accused persons struck them with Iron rod and caused them injuries. Co-accused Manjui Devi struck on the nose of informant's daughter-in-law Rina Devi with Kachiya, cutting her nose. It is further stated that there were 10 to 15 unknown miscreants armed with weapons. Thereafter, accused persons after looting the household articles of the informant worth Rs. 30,000/-, fled away on seeing the villagers.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out.



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 J.M. Ist Class, Udakishunganj, Madhepura, in connection with Bihariganj P.S. Case No. 174 of 2019.

U.K./-

(Sudhir Singh, J)

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