

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68813 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- SIMRI District- Darbhanga

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1. Chandeshwar Sah, Son of Late Shiv Nandan Sah,
 2. Mithilesh Sah, Son of Chandeshwar Sah,
 3. Awadhesh Sah @ Abhdesah Sah @ Abhdesah Sah, Son of Chandeshwar Sah,
 4. Golu Kumar @ Golu Kumar Sah, Son of Ramavtar Sah, All are resident of Village- Mishrauli, Police Station- Simri, District- Darbhanga.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manish Kumar No-2, Advocate.
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 342, 323, 324,
307, 379, 354, 504, 506 and 147 of the IPC.

The prosecution story, in brief, is that the petitioners
came to the *Bamboo* field of the informant Vishun Sah and
abused him which was objected by him and his brother. Upon
this, petitioner no. 1 Chandeshwar Sah ordered to kill them.
Upon which, petitioner no. 3 Awadhesh Sah gave a *Iron rod*
blow on the head of the informant, his head broke and bled. In
the meantime, co-accused Ramesh Sah gave *Lathi* blow on the



other part of the head of informant. It is further alleged that accused persons gave him kick and fist. When informant's brother Kishun Sah intervened to save him, petitioner no. 2 Mithilesh Sah and petitioner no. 4 Golu Kumar Sah, pointed *Garasa* on his neck with an intention to kill him and assaulted him with *Lathi* on his head due to which, his head was injured. Thereafter, when Kishun Sah's wife Puja Devi intervened to save him, petitioner nos. 2 and 3 Mithilesh Sah and Awadhesh Sah torn her *Blouse* and misbehaved with her and co-accused Ramesh Sah and petitioner no. 4 Golu Kumar Sah torn her dress due to which, she became naked. Thereafter, assaulted Puja Devi. It is further alleged that co-accused Chandrakala Devi and Bibha Devi took away gold tops from the ear of Puja Devi. It is further alleged that petitioner no. 1 Chandeshwar Sah took away a gold ornament from the neck of Kishun Sah.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.



On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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., Darbhanga, in connection with Simri P.S. Case No. 94 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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