

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82297 of 2019

Arising Out of PS Case No.-72 Year-2019 Thana- FENHARA District- East Champaran

Kapildeo Sah, aged about 52 years, Male, Son of Late Puran Sah, Resident of
Village - Rupoliya Tola Vitra, P.S.- Fenhara, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Tondon, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Fenhara
PS Case No. 72 of 2019 dated 09.10.2019 instituted under
Sections 341, 323, 324, 354(B), 307 and 504/34 of the Indian
Penal Code.

3. Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 8 of the application
with regard to the date of his custody. Let the same be done during
the course of the day.

4. The allegation against the petitioner and six other
family members is of assault on the informant and two others.
However, against the petitioner, the allegation is specific of
inflicting blow by *kudal* on the head of Pappu Sah and trying to



outrage the modesty of the sister-in-law of the informant. Learned counsel submitted that the parties are close agnates. It was submitted that in a common ground, in front of the house of the parties, when he had parked his Scorpio vehicle, the informant side had objected and had asked him to move the vehicle which resulted in altercation and on the spur of the moment, an incident took place resulting in the present FIR and a counter case filed of which the petitioner is the informant. It was submitted that though the allegation is of hitting by *kudal* on the head of the informant and also of trying to outrage the modesty of the lady of the house and a wound has been found on the head, and even if it is taken to be true, the same occurred on the spur of the moment and the petitioner has been sufficiently penalized as he is in custody since 11.10.2019. It was submitted that the entire family members, including women, have also been made accused, which clearly shows that it is more to settle a family dispute. Learned counsel further submitted that the sequence of events reflect that the object was merely to teach a lesson and not cause any serious or life threatening damage.

5. Learned APP submitted that the petitioner had acted in a highhanded manner and used the *kudal* for hitting on the head.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM XII, Motihari, East Champaran in Fenhara P.S. Case No. 72 of 2019.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. Any violation of the terms and conditions of the bonds shall lead to cancellation of his bail bonds.

8. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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