

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.891 of 2020

Arising Out of PS. Case No.-375 Year-2019 Thana- RANIGANJ District- Araria

1. ANIL SAH Son of Ram Lakhan Sah, Resident of Village - Raniganj Hasanpur, Mohalla - Sant Nagar, Ward no. 06, P.S.- Raniganj, District - Araria.
2. Sunil Sah Son of Ram Lakhan Sah Resident of Village - Raniganj Hasanpur, Mohalla - Sant Nagar, Ward no. 06, P.S.- Raniganj, District - Araria.
3. Shashi Sah @ Sushil Sah, Son of Ram Lakhan Sah, Resident of Village - Raniganj Hasanpur, Mohalla - Sant Nagar, Ward no. 06, P.S.- Raniganj, District - Araria.
4. Ram Lakhan Sah Son of Late Dev Saran Sah, Resident of Village - Raniganj Hasanpur, Mohalla - Sant Nagar, Ward no. 06, P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-02-2020 A supplementary affidavit has been filed on behalf of the petitioners, stating therein that due to typographical error, the name of the petitioner no.3 has been wrongly typed as 'Shashi Sah @ Sunil Sah' instead of 'Shashi Sah @ Sushil Sah'. A prayer has been made seeking permission to make correction in the main petition.

Let the counsel for the petitioners make necessary corrections in the name of the petitioner no.3 in course of day.

Heard learned counsel for the petitioners, learned



counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been confined to petitioner nos.1 and 3 who are apprehending their arrest in connection with Raniganj P.S. Case No.375 of 2019 registered for the offence punishable under sections 341, 323, 379, 354, 506 and 504 of the Indian Penal Code.

As per allegation in the F.I.R., on 06.10.2019 at about 11.45 p.m., while the husband of the informant was out of the house, as a result of earlier dispute, it is stated that four accused persons including the petitioner nos. 1 and 3 came variously armed and on the orders of Ram Lakhan Sah broke open the door of the informant's house and entered. It is thereafter stated that the petitioner no.2 caught hold of the informant's hair and brought her to the ground and all the accused persons tore away her clothes and beat her up. It is further stated that the petitioner no.3 took away gold chain worth Rs.36,000/-, broke various articles and on the neighbours coming over, the accused persons escaped along with mobile phone of the informant.

It is submitted by learned counsel for the petitioners that the allegations levelled in the F.I.R. are false and concocted for the reason that there is no explanation whatsoever with respect to the delay in lodging of the F.I.R. In spite of the police



station being just two kilometers away from the place of occurrence, for the occurrence, which took place in the night of 06.10.2019, the F.I.R. was registered on 22.10.2019. It is finally submitted that the petitioners have no criminal antecedent.

It is submitted by the learned counsel for the informant that all the accused persons are named in the F.I.R. and there is serious and direct allegation of overt act against them. He further submitted that the delay in lodging of the F.I.R. has been explained and it was for the reason that the husband of the informant, who is involved in the sale of crockery was not at home.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the admitted enmity between the parties, which has been stated in the F.I.R. itself together with the delay in lodging of the F.I.R., this Court is inclined to enlarge the petitioner nos.1 and 3 on bail. The petitioner nos.1 and 3 are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Raniganj P.S. Case No.375 of 2019, they will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned S.D.J.M., Araria, subject to the condition as laid down under section 438(2) of the Criminal Procedure Code.

It is mentioned here that the petitioner nos.2 and 4 had already been arrested during pendency of this application and as such their application stands dismissed as not pressed.

(Partha Sarthy, J.)

amit/-

U		T	
---	--	---	--

