

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7969 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. DILIP SAH S/o - Pataru Sah @ Daya Nand Sah @ Dayanand Sah Gond
2. Mahatam Sah Son of Late Somari Sah @ Late Somari
Both are Residents of Village- Rajpur, P.S.- Phulwaria, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 29-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 147, 148, 149, 323, 341, 307, 379 of the Indian Penal Code.

Informant has alleged in his written complaint that on 30.01.2019 when he went near the door of accused Mahatam Sah (petitioner), FIR named accused abused and assaulted the informant and his family members. There is allegation against Dilip Sah of inflicting farsa blow on the head of father of informant and against Mahatam Sah (petitioner) of inflicting sword blow on the head of his brother and thereafter there is allegation against other co-accused of snatching away the



ornaments of female members of families.

It is submitted on behalf of the petitioners that there is case and counter case and case of petitioners were instituted prior to lodging of present FIR and from the order passed by the learned Sessions Judge, it is apparent that informant and his family members have not sustained any injury but only to save their skin from the case instituted by the petitioners, this case has been lodged. Informant and others were aggressor.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Phulwaria P.S. Case No.14/2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their



absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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