

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6111 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- NAUTAN District- West Champaran

1. BHIM SAH @ BHIM CHAUDHARY Son of Late Mahadev Sah Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.
2. Arun Sah Son of Late Mahadev Sah Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.
3. Chhota Sah @ Chottelal Sah Son of Late Mahadev Sah Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.
4. Suganti Devi W/o Bhim Sah @ Biham Chaudhary Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.
5. Rinki Devi W/o Arun Sah Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.
6. Ramawati Devi W/o Chota Sah @ Chottelal Sah Resident of Village - Bhediharwa, P.S.- Nautan, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 324, 307, 379, 427, 354(B), 504 of the Indian Penal Code registered in connection with Nautan P.S. Case No. 286 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty dispute between the parties who are neighbours. It is submitted that there is only one injury, which is



simple in nature and specifically attributed to co-accused Jhunna Sah who is said to have assaulted with iron rod on the informant's neck. The accusation of assault with *lathi* and *patta* by the petitioner nos. 1 and 3 along with co-accused Toda Sah is not corroborated from the injury report. The allegation of pulling the saree of the informant by the petitioner no. 2 and the allegation of theft by petitioner no. 1 as well as allegation of destroying the informant's hut by the petitioner nos. 4, 5 and 6 who are ladies are all ornamental. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 286 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



iv. The petitioner nos. 1, 2 and 3 shall remain physically present in Court and petitioner nos. 4, 5 and 6 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

Chandran/-

(Vikash Jain, J)

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