

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6273 of 2020**

Arising Out of PS. Case No.-182 Year-2019 Thana- JALALPUR District- Saran

1. SIPAHI SAH S/o Late Rukhan Sah R/o village- Sarvi Sareya, P.S.- Jalalpur, District- Saran
2. Mukhtar Sah S/o Late Rukhan Sah R/o village- Sarvi Sareya, P.S.- Jalalpur, District- Saran
3. Saheb Sah S/o Late Rukhan Sah R/o village- Sarvi Sareya, P.S.- Jalalpur, District- Saran
4. Bikesh Kumar Sah S/o Wakil Sah R/o village- Sarvi Sareya, P.S.- Jalalpur, District- Saran
5. Lallan Sah S/o Late Chandrika Sah R/o village- Sarvi Sareya, P.S.- Jalalpur, District- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rakesh Prabhat,Advocate
For the Opposite Party/s	:	Mr.Mukeshwar Dayal,APP
For the Informant	:	Mr.Dhananjay Kumar Tiwary,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 23-09-2020 Heard learned counsel for the petitioner, Mr. Mukheshwar Dayal, learned APP for the State and Mr. Dhananjay Kumar Tiwary, learned counsel representing the informant.

The petitioners in the present case are seeking pre-arrest bail in connection with Jalalpur P.S. Case No. 182 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both



the parties had a scuffle over right to way on a piece of land in which they seem to have indulged in a free fight. There is a counter case on the same day which has been lodged by wife of petitioner no. 1 though it was registered on a later date by the Jalalpur Police Station.

Learned counsel submits that so far as the allegation of assault is concerned, it is only against Sipahi Sah (petitioner no. 1), there are general and omnibus allegations that others have also assaulted the informant and other family members.

Learned APP for the State as well as learned counsel representing the informant have jointly opposed the prayer for anticipatory bail of the petitioners, however, they agree that the specific allegation of assault is only against Sipahi Sah (petitioner no. 1). The petitioners have otherwise no criminal antecedent.

Having regard to the facts and circumstances of the case, wherein it seems to be a case of land dispute in which both the parties have lodged case and counter case and then the specific allegation of assault is only against petitioner no. 1, this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 1. His prayer for anticipatory bail is, thus, refused.

In case petitioner no. 1 namely Sipahi Sah surrenders



and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

So far as petitioner nos. 2 to 5 are concerned, there being general and omnibus allegations against them, let the petitioner nos. 2 to 5 above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Saran in connection with Jalalpur P.S. Case No. 182 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

