

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9141 of 2020**

Arising Out of PS. Case No.-16 Year-2019 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

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1. GANESH SAH S/o Ram Ekwah Sah Resident of Village- Balughat, Bandh Road, P.S.- Town, Distt- Muzaffarpur.
  2. Vishal Kumar S/o Ganesh Sah Resident of Village- Balughat, Bandh Road, P.S.- Town, Distt- Muzaffarpur.
  3. Sonu Kumar S/o Ganesh Sah Resident of Village- Balughat, Bandh Road, P.S.- Town, Distt- Muzaffarpur.
  4. Dauli Kumari @ Khushi Kumari @ Khushi @ Dauli D/o Ganesh Sah Resident of Village- Balughat, Bandh Road, P.S.- Town, Distt- Muzaffarpur.
  5. Shanti Devi W/o Ganesh Sah Resident of Village- Balughat, Bandh Road, P.S.- Town, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar  
For the Opposite Party/s : Mr.Mohammed Arif

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      26-06-2020              The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Md. Aarif, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Town P.S. Case No. 16 of 2019 for the offence registered under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal



Code.

At the outset, the learned counsel for the petitioners submits that as far as the petitioners no. 1 to 3 & 5 are concerned, they have not been charge sheeted by the Police and a final form has been submitted qua the said petitioners, hence the said petitioners do not wish to press the present petition.

In such view of the matter, the present petition stands dismissed as withdrawn qua the petitioners no. 1 to 3 & 5.

The case of the prosecution in brief is that while the informant was going to temple at about 6:00 P.M. in the evening on 05.01.2019, the named accused persons including the petitioners herein and 4-5 other accused persons had surrounded the informant whereafter the said persons had assaulted and abused her.

The learned counsel for the petitioners has submitted that the petitioner no. 4 is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a bare perusal of the investigation conducted by the Police would show that the petitioner has got no complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also taking into account the materials available in the case diary, prima facie miniscule evidence appears to be on record as against the petitioner no. 4 and moreover he is having a clean antecedent, hence I deem it fit and proper to admit the petitioner no. 4 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 4, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 16 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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