

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14574 of 2020

Arising Out of PS. Case No.-282 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. DEEPU SAH @ DEEPU KUMAR SAH Son of Jhulan Sah Resident of Village - Mujaona, Police Station - Manjhagarh, District - Gopalganj.
2. Mukul Sah Son of Jhulan Sah Resident of Village - Mujaona, Police Station - Manjhagarh, District - Gopalganj.
3. Sri Ram Sah Son of Indradeo Sah Resident of Village - Mujaona, Police Station - Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Javed Aslam
For the Opposite Party/s :	Mr.Nirmala Kumari
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2020 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
Mr. Ashok Kumar, the learned APP for the State.

The petitioners apprehend their arrest in connection with Manjhagarh P.S. Case No. 282 of 2018, Trial No. 2454 of 2019 for the offence punishable under Sections 379, 504 and other allied sections of the Indian Penal Code.

The allegation is regarding the daughter of the elder



brother-in-law of the informant, on the alleged date and time of occurrence, having been intercepted by the accused persons including the petitioners herein, whereafter the co-accused persons are stated to have caught her hand, however, she had raised alarm whereupon the persons of the prosecution party had rushed to the place of occurrence to rescue her and during the course thereof, she was assaulted by sticks as also the petitioner no.2 is stated to have assaulted her by farsa and other co-accused persons are also stated to have assaulted the members of the prosecution party.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that the present case arises out of a case and counter case and in fact, a bare perusal of the impugned order dated 04.01.2020 would show that the members of both sides have sustained injuries on their person on account of free-fight amongst them, however, no one has sustained any sharp cut injury on their person as also there is no injury report available in the case diary. Thus, it is submitted that the allegation of inflicting farsa blow/ sword blow etc. are false and have been cooked up in order to falsely implicate the accused



persons including the petitioners herein. Lastly, it is submitted that a bare perusal of the impugned order dated 4.1.2020 would show that the allegation of outraging modesty of the family members of the prosecution party appears to be super-addition, as far as the fardbeyan is concerned.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the present case arises out of a case and counter case, both sides have received injuries and the fact is that nobody has received any cut injury/ grievous injury inasmuch as there is no injury report on the record of the case diary, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Manjhagarh P.S. Case No. 282 of 2018, Trial No. 2454 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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