

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16971 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

-
-
1. INDRAJIT SAH @ RAJA BABU @ INDRAJEET KUMAR S/o Ramagya Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran
 2. Hari Om Sah @ Hari Om Kumar S/o Ram Ekbal Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran
 3. Ramagya Sah S/o Late Mahadeo Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran
 4. Ram Ekbal Sah S/o Late Mahadeo Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran
 5. Shayam Babu Sah @ Shyam Babu Prasad S/o Ram Ekbal Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran
 6. Ram Bharosh Sah S/o Yogendra Sah R/o village- Parsa, P.S.- Kundwa Chainpur, District- East Champaran

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-08-2020 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 the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Kundwa Chainpur P.S. Case No. 3 of 2019 registered for the offence punishable under Section 147, 149, 324, 325, 341, 307, 504, 354(B), 385, 504, 506 of the Indian Penal Code and Section 3/ 4 of the Witch Protection Act.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioners no. 1, 4 and 6 in order to enable them to surrender before the learned court below and seek regular bail.

Accordingly, the present petition qua the petitioners no. 1, 4 and 6 stands disposed of as not pressed, however, with liberty to them to surrender before the learned court below and seek regular bail. It is needless to state that if the petitioners surrender within a period of four weeks from today and pray for regular bail, the learned court below shall make full endeavours to dispose of the case of the petitioners for grant of regular bail on the very same day.



The case of the prosecution in brief is that on 5.1.2019 at about 6:00 AM, when the informant was at her house, the accused persons had arrived there, armed with lathi, farsa, bhala and other weapons, whereupon they started abusing the informant and then, the accused persons had assaulted the informant and his family members as also they had demanded extortion money.

The learned counsel for the petitioners has submitted that though it is true that there is specific allegation of assault qua the petitioners no. 1, 4 and 6 but as far as the other petitioners are concerned, there is a general and omnibus allegation levelled against them and no specific allegation of any sort of overt act has been alleged by the informant. It is further submitted that the petitioners no. 2, 3 and 5 are having a clean antecedent and in fact, the present case is an outcome of case and counter case inasmuch as the petitioner no. 4 is stated to have also filed one FIR bearing Kundwa Chainpur P.S. Case No. 02 of 2019 against the members of the prosecution party.



Per contra, the learned APP 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 and taking into account the fact that there is no specific allegation of any sort of overt act as against the petitioners no. 2, 3 and 5, I deem it fit and proper to grant the privilege of anticipatory bail to the petitioners no. 2, 3 and 5 herein.

Accordingly, the petitioners no. 2, 3 and 5 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No. 03 of 2019, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

