

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16636 of 2020

Arising Out of PS. Case No.-434 Year-2019 Thana- NAUTAN District- West Champaran

1. Ashok Sah, aged about 40 years, Male, S/o Gauri Sah
2. Subodh Sah, aged about 35 years, Male, S/o Gauri Sah
3. Kaushal Kumar @ Kamlesh Kumar, aged about 19 years, Male, S/o Ashok Sah
4. Bittu Kumar, aged about 18 years, Male, S/o Ashok Sah
5. Harinarayan Sah, aged about 50 years, Male, S/o Late Nathuni Sah, all resident of Village-Jhakhara, P.S.-Nautan (Jagdishpur), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-10-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Nautan (Jagdishpur) P.S. Case No. 434 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 326A, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on 12.11.2019 at 02.30 P.M., the present F.I.R. was lodged stating that on 02.11.2019 at about 09.30 A.M., while the informant was milking his cow at his darwaza, one Radha Kumari, the grand daughter of informant's brother Mohan Sah came and started



abusing the informant on account prior dispute. After milking his cow, the informant went to his brother and complaint about the aforesaid abusing. Thereafter, the informant returned home. Suddenly, accused persons namely, Mohan Sah, Prabhawati Devi, Rani Devi, Radha Kumari and Rajendra Sah came and started abusing. In the meantime, informant's son Mithun Kumar came and he told the accused persons to go. Upon this, Rajendra Sah pushed the informant son and started assaulting him. The informant's wife Suganti Devi went to rescue her son, but, accused Mohan Sah poured acid over her body resulting in burn injuries over her neck and back. Upon seeing the occurrence, the informant rushed there, however, Mohan Sah threw acid over the informant causing burn injury over his chest. Thereafter, accused Prabhawati Devi, Rani Devi and Radha Kumari assaulted the informant by lathi and danda. The informant and his wife went to nearby Bazar, got treated themselves and return home. On 03.11.2019 at 10.00 A.M., the accused persons, namely, Ashok Sah, Subodh Sah, Kaushal Kumar, Bittu Kumar and Harinarayan Sah came, abused the informant and assaulted by fists and slaps to the informant and his son.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. The parties are the next door neighbour and they are on litigating terms. He further submits that there is a counter version of the alleged occurrence bearing Nautan (Jagdishpur) P.S. Case No.435 of 2019 under Sections 147, 148, 149, 341, 324, 307, 354B and 379 of the I.P.C. He further submits that the date of occurrence is 02.11.2019 but the F.I.R. has been lodged on 12.11.2019 after delay of 10 days. There is no explanation of delay. He further submits that in paragraphs 59 and 60 of the case diary, the injury report shows that the same is simple in nature. He further submits that the petitioners have got no criminal antecedent mentioned in paragraph-3 of the bail petition.

Learned A.P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of C.J.M., Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case



No. 434 of 2019, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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