

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25498 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- HARSIDHI District- East Champaran

1. Sohan Sah, S/o Darbari Sah, R/o Village- Lokriya, P.S.- Harsidhi, District-East Champaran.
2. Mohan Sah, S/o Darbari Sah, R/o Village- Lokriya, P.S.- Harsidhi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhannjay Kumar No 2, Advocate.
For the Opposite Party/s :	Mr. Panchanand Pandiy, APP
For the Informant	Mr. Dhirendra Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-10-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State though Video Conferencing.

The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No. 03 of 2020, registered under Sections 341, 323, 324, 379, 354, 307 and 504/34 of the Indian



Penal Code.

The accusation is that before one day, Sohan Sah (petitioner no.1), in drunken state, had come at the door of the informant, Asha Devi, and started to abuse giving threatening to kill her. Due to that reason, on next day on 02.01.2020, informant along with her husband, Motilal Sah, went at the door of Sohan Sah (petitioner no.1), where Sohan Sah (petitioner no.1) gave iron rod blow at the head of her husband and Mohan Sah (petitioner no.2) caused injury at her head through Farsa. Thereafter, her nephew, Guddu Kumar, rushed to save her then he was also assaulted by Rajesh Sah through iron road causing injury at his head. When her other family members also rushed to save then they were also assaulted.

Learned counsel for the petitioners submits that, in fact, due to flowing of water by the informant, scuffle took place in between informant and the petitioners, in which, both sides sustained injury, regarding which, Harsidhi P.S. Case No. 02 of 2020 is also instituted by Mohan Sah (petitioner no.2) on 02.01.2020 against the informant of the present case and her other family members. Further submission is that there is specific allegation against Sohan Sah (petitioner no.1) to cause injury at the head of Motilal Sah, husband of the informant,



which is found grievous in nature. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of heir arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 03 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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