

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27061 of 2020

Arising Out of PS. Case No.-422 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. SOGARATH SAH Son of Jagdeo Sah Resident of Village - Tilak Taj Pur, P.S.- Runnisaidpur, District - Sitamarhi.
2. Pramod Sah Son of Sogarath Sah Resident of Village - Tilak Taj Pur, P.S.- Runnisaidpur, District - Sitamarhi
3. Vinod Sah Son of Sogarath Sah Resident of Village - Tilak Taj Pur, P.S.- Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Shharma
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-11-2020 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.

Heard the learned counsel for the petitioners and Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Runnisaidpur PS case no. 422 of 2019 registered for the offences punishable under Sections 341, 323, 325, 308/34 of Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein and some other unknown



persons having arrived at the house of the informant, whereafter they had assaulted the informant and broken his right hand wrist with *lathi* and when his wife had come there to rescue him, the accused persons had also assaulted the wife of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the present case arises out of case and counter case and the petitioners have been falsely implicated. It is also submitted that a general and omnibus allegation has been levelled as against the petitioners herein, however no specific allegation of assault has been levelled *qua* the petitioners herein.

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 a general and omnibus allegation has been levelled against the petitioner herein and moreover, the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail, however subject to certain conditions. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi in connection with Runnisaidpur PS case no. 422 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioners herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioners herein shall stand cancelled automatically and the petitioners would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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