

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60997 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Mohan Sah, aged about 42 years (Male), Son of Ramjee Sah.
 2. Rupesh Sah @ Rupesh Kumar, aged about 44 years (male) Son of Madan Sah.
 3. Nagina Sah, aged about 50 years (Male) Son of Basanti Sah.
 4. Munna Kumar, aged about 40 years (Male) Son of Madan Sah.
 5. Rajesh Sah, aged about 25 years (Male) Son of Nagina Sah.
 6. Raju Kumar, aged about 38 years (Male).
 7. Rohit Kumar, aged about 35 years (Male)
Both sons of Rambabu Sah.
 8. Anjali Kumari, aged about 25 years (Female), D/o Late Rambalak Sah.
 9. Bitu Kumar, aged about 30 years (Male) Son of Late Rambalak Sah. All
resident of Village- Chandrahiya Tola Pachhemari, P.S.- Muffasil, District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-03-2020

Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend arrest in connection with
Muffasil PS Case No. 65 of 2019 dated 11.02.2019 instituted



under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of brutal assault and specifically against the petitioner no. 2 of inflicting *farsa* blow.

4. Learned counsel for the petitioners submitted that though the date of incident has been shown as 02.02.2019, but the FIR has been lodged on 11.02.2019, just to counter the allegations made in Sadar Muffasil PS Case No. 51 of 2019 dated 04.02.2019 in East Champaran district by the mother of petitioners no. 8 and 9. Learned counsel submitted that on 02.02.2019, the son of the informant of the present case, and 8 to 10 unknown persons had entered into the house of the petitioners no. 8 and 9 for committing dacoity and the son of the informant was caught and brutally assaulted by the villagers who had gathered there on cry raised by the family of petitioners no. 8 and 9. It was submitted that just to counter the said case, each and every allegation made in the Sadar Muffasil PS Case No. 51 of 2019, has been explained in the present case, which has been lodged after 9 days of the alleged incident. Learned counsel submitted that no injury report has been produced before the police during investigation. It was further submitted that the petitioners have no other criminal



antecedent and have been falsely implicated in the present case. It was submitted that in the FIR lodged by the mother of the petitioners no. 8 and 9, it has clearly been stated that the son of the informant of the present case was injured due to assault by the villagers after being caught.

5. Learned APP, from the case diary, does not dispute that no injury report was ever produced before the police during investigation. He was also not in a position to dispute the fact that for the same incident, the mother of the petitioners no. 8 and 9 has lodged Sadar Muffasil PS Case No. 51 of 2019, and that there is no explanation for the delay.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Muffasil PS Case No. 65 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. One of the bailors shall be a close relative of the petitioners.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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