

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75284 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- KATEYA District- Gopalganj

1. Nand Kishore Sah @ Nandkishor Sah Son of Vindhyachal Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
2. Kanhaiya Sah Son of Vindhyachal Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
3. Dinesh Sah @ Dinesh Prasad Son of Vindhyachal Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
4. Vaidyanath Sah @ Vaidyanath Prasad Gupta @ Baijnath Sah Son of Vindhyachal Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
5. Dharmsheela Devi @ Dharmsheela Devi @ Dharmshila Devi @ Dharmshila Devi Wife of Baijnath Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
6. Sandeep Sah @ Sandeep Kr. Gupta Son of Nand Kishore Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
7. Ambe Devi Wife of Nand Kishore Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
8. Ravindra Sah @ Rabindra Sah Son of Satan Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
9. Asha Devi @ Kumari Asha Gupta Wife of Bullet Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.
10. Satan Sah Son of Late Jadu Sah Resident of Village - Harkha, P.S.- Kateya, Distt - Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection with



Kateya P.S. Case No. 220 of 2019 registered under Sections 302/34 and 120B of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that there is admitted land dispute between the parties. The specific case of the prosecution is that it was one Shesnath Sah, who assaulted with lathi on the head of the mother of the informant causing grievous injury over her scalp. Further, though there is omnibus and general allegation that all other accused persons being variously armed with lethal weapons also assaulted the mother of the informant, the postmortem report would indicate that save and except the wound over scalp, there are only two abrasions on the body of the deceased.

Per contra, learned counsel for the State and learned counsel for the informant submitted that the postmortem report would suggest that there was abrasion over left knee, abrasion over right hand and lacerated wound measuring 2 ½” x 1” over left side parietal region. It is further contended that since there are three ante-mortem injuries, the participation of the accused persons in the commission of the offence cannot be ruled out.

In reply, learned counsel for the petitioner submitted that had there been any iota of truth in the allegations made in



the FIR, the deceased must have sustained several other grievous ante-mortem injuries over her body. It is contended that since the petitioners are members of the family of Shesnath Sah, they all have been made accused in the FIR.

Regard being had to the submissions made above and the fact that the deceased had sustained only one grievous ante-mortem injury, in the event of arrest or surrender before the court below, the petitioners named above are directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XV, Gopalganj in connection with Kateya P.S. Case No. 220 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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