

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74404 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. BIGU SAH Son of Manik Sah Resident of Mohalla - Nooranganj (near Durga Mandir) P.O. and P.S.- Sasaram, Distt - Rohtas at Sasaram
2. Shanti Devi Wife of Bigu Sah Resident of Mohalla - Nooranganj (near Durga Mandir) P.O. and P.S.- Sasaram, Distt - Rohtas at Sasaram
3. Bharat Prasad Gupta Son of Kuar Prasad Gupta Resident of Mohalla - Takia Bazar, Ward No. 2, P.S.- Sasaram (Model), Distt - P.S.- Sasaram, Distt - Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rameshwar Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-03-2020 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sasaram (Model) Police Station Case No. 9 of 2019, disclosing offences under Sections 341/323/308/504/506/354B/379/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners, along with another co-accused person, arrived at the house of the informant and started abusing and assaulting her. It has further been alleged that the petitioner no. 1 assaulted the daughter of the



informant and also tried to outrage her modesty, petitioner no. 2 snatched golden chain and nose pin and petitioner no. 3 has assaulted the informant by means of country made pistol on her head.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case inasmuch as both the parties are neighbours and there is land dispute between them. He further submits that two criminal cases, being Sasaram (Town) Police Station Case No. 229 of 2018 and Mahila Police Station Case No. 13 of 2019, have been lodged by the daughter of the petitioner nos. 1 and 2 against the nephew of the informant and in retaliation of the same, the present First Information Report has been lodged. He, referring to Annexure-3, submits that the injuries caused to the victims have been found to be simple in nature.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is previous dispute between them and the injuries have been found to be simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, at Sasaram, in connection with Sasaram (Model) Police Station Case No. 9 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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