

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84909 of 2019

Arising Out of PS. Case No.-216 Year-2019 Thana- RIGA District- Sitamarhi

1. RAKESH SAH Son of Chandar Sah, Resident of Village - Ramnagara, P.S.- Riga, Distt - Sitamarhi.
2. Bindeshwar Sah Son of Janak Sah, Resident of Village - Ramnagara, P.S.- Riga, Distt - Sitamarhi.
3. Vijay Sah Son of Ramashish Sah, Resident of Village - Ramnagara, P.S.- Riga, Distt - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sanjana, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-06-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Riga P.S.
Case No.216 of 2019 registered under Sections 341, 323, 324,
307, 354, 379, 504 and 34 of the Indian Penal Code.

The informant named the petitioners along with other
accused persons and alleged that they all came and Rakesh Sah
asked the informant to compromise the case earlier lodged by
her. She further alleged that all the accused persons pushed her
to the ground and torn her clothes with bad intention and
assaulted her with dagger on her head. Her son Rahul Kumar
was also assaulted with dagger. Her sister-in-law (bhabhi) came



to save, the accused persons also assaulted her with lathi.

Learned counsel for the petitioners submits that the informant is the daughter of Ramashish Sah. Ramashish Sah, Janak Sah, Bindeshwar Sah (petitioner no.2) are full brothers. Vijay Sah (petitioner no.3) is full brother of the informant and Rakesh Sah is the cousin of the informant. On account of flow of drainage, the occurrence took place.

From perusal of the case-diary, it would appear that the informant, her son and her sister-in-law got superficial and simple injury on their persons. By no stretch of the imagination, the offence under section 307 of the I.P.C. is made out. Only omnibus and general allegations of assault are made, that too, on account of some petty land dispute and the petitioners are uncle and own cousin and full brother of the informant.

Learned A.P.P., however, opposed the prayer for anticipatory bail.

It appears that omnibus and general allegations are made that the petitioners and other accused persons assaulted the informant and his son with dagger and sister-in-law with lathi but the son and the sister-in-law of the informant got superficial and simple injury. The petitioners are close agnates of the informant.



Having considered the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Sitamarhi in connection with Riga P.S. Case No.216 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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