

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6772 of 2020

Arising Out of PS. Case No.-199 Year-2019 Thana- KOTWA District- East Champaran

1. PRABHU SAH Son of Mahadeo Sah Resident of Village-Ahirouliya, P.S.-Kotwa, District-East Champaran
2. Munna Sah Son of Shambhu Sah Resident of Village-Ahirouliya, P.S.-Kotwa, District-East Champaran.
3. Sunil Sah Son of Shambhu Sah Resident of Village-Ahirouliya, P.S.-Kotwa, District-East Champaran.
4. Lalita Devi Wife of Shambhu Sah Resident of Village-Ahirouliya, P.S.-Kotwa, District-East Champaran.
5. Reeta Devi Wife of Munna Sah Resident of Village-Ahirouliya, P.S.-Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 01-02-2021 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 447, 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

Informant has alleged in her written complaint that on the dispute of planting of fruit plants on the land belonging to the informant, petitioner are alleged to have assaulted the informant with iron rod, lathi and also snatched her Mangalsutra. It is further alleged that petitioner no. 3 Sunil Sah assaulted with leg on her stomach, which caused miscarriage to her as she was four months pregnant.



It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that there is no specific overt act against petitioners. Petitioners have no criminal antecedents.

Since, there is no specific overt act against petitioner nos. 1, 2, 4 and 5, and no injury has been found on person of informant, their anticipatory bail application is allowed and the petitioner nos. 1, 2, 4 and 5 named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner nos. 1, 2, 4 and 5 are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Kotwa P.S. Case No. 199 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner nos. 1, 2, 4 and 5 shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper



and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If petitioner nos. 1, 2, 4 and 5 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner nos. 1, 2, 4 and 5.

So far as petitioner no. 3 Sunil Sah is concerned. Since there is specific allegation against him that he assaulted the informant with leg in the stomach of informant, due to which caused her miscarriage.

In that view of the matter, I am not inclined to grant bail to the **petitioner no. 3 Sunil Sah at this stage. Accordingly his bail application is dismissed.**

However, if petitioner surrenders and seek regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(S. Kumar, J)

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