

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26714 of 2021**

Arising Out of PS. Case No.-323 Year-2020 Thana- KHAIRA District- Saran

1. Ashok Sah, aged about 55 years, S/O Brahmdev Sah, R/o village- Kadipur, P.S.- Khaira (Nagra O.P.), Distt.- Saran.
2. Shiv Dayal Sah, aged about 35 years, S/o Ashok Sah, R/o village- Kadipur, P.S.- Khaira (Nagra O.P.), Distt.- Saran.
3. Haricharan Sah, aged about 30 years, S/o Ashok Sah, R/o village- Kadipur, P.S.- Khaira (Nagra O.P.), Distt.- Saran.
4. Raja Kumar, aged about 22 years, S/o Ashok Sah, R/o village- Kadipur, P.S.- Khaira (Nagra O.P.), Distt.- Saran.
5. Gita Devi, aged about 52 years, W/o Ashok Sah, R/o village- Kadipur, P.S.- Khaira (Nagra O.P.), Distt.- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                     |   |                                   |
|---------------------|---|-----------------------------------|
| For the Petitioners | : | Mr. Brij Bihari Tiwary, Advocate. |
| For the State       | : | Mr. A.G.                          |
| For the Informant   | : | Mr. Ashok Kumar, A.P.P.           |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-07-2021              Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, learned counsel for the petitioners is permitted to make necessary correction in prayer portion of bail application.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Shiv Dayal Sah and petitioner



no. 3, namely, Haricharan Sah, as they have been taken into judicial custody in connection with Khaira P.S. Case No. 323 of 2020, pending in the court of learned C.J.M. Saran.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Shiv Dayal Sah and petitioner no. 3, namely, Haricharan Sah, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 4 and 5, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

Now, the petitioner nos. 1, 4 and 5 are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 324, 307, 354(B), 379 and 504 of the I.P.C.

The prosecution story, in brief, is that on 19.10.2020 at around 7.30 P.M. petitioners alongwith Nagendra Sah armed with rod, knives etc., came and attacked the informant and co-accused Shiv Dayal Sah put her on the ground and torn her blouse. When the informant protested, he attacked with a knife on her neck but she was struck on her nose instead. When hearing her scream, Saroj Kumar, Vinod Kumar Sah and Aditya Kumar Sah came to rescue her, co-accused Haricharan Sah



struck Vinod Kumar Sah on the head with a rod and Raja Kumar attacked Saroj Kumar with a knife and cut his lips and Nagendra Sah attacked Aditya Kumar on his neck with a knife but he struck on his wrist. All the accused started attacking the informant and all others with rods and sticks and badly injured them. During the course of assault, Ashok Sah took Rs. 24,000/- from the pocket of Vinod Kumar Sah, and the informant's golden ear-ring was taken by Geeta Devi. Thereafter, the informant and others were brought to the local hospital at Nagra and from there they were referred to Sadar Hospital, Chapra. It is alleged that the occurrence took place due to a path.

It has been submitted by learned counsel for the petitioner nos. 1, 4 and 5 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties in which the son of petitioner no. 1, subsequently, in course of treatment, is said to have died. The petitioner no. 5 is a lady. The injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.



On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner nos. 1, 4 and 5 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 4 and 5 above named, (except petitioner no. 2, namely, Shiv Dayal Sah and petitioner no. 3, namely, Haricharan Sah) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Saran, in connection with Khaira P.S. Case No. 323 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1, 4 and 5 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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