

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36806 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- GWALPARA District- Madhepura

1. PRAYAG KUMAR SAH @ PRAYAG SAH Son of Sukhdeo Sah Resident of Village- Bishwari Ward No.1, P.S.- Gwalpara, District- Madhepura.
2. Chhotelal Sah Son of Govind Sah Resident of Village- Bishwari Ward No.1, P.S.- Gwalpara, District- Madhepura.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Amarnath Jha, Advocate.
For the State : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 26.06.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Prayag Kumar Sah alias Prayag Sah, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Prayag Kumar Sah alias Prayag Sah, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this



application in respect of the petitioner no.1, namely, Prayag Kumar Sah alias Prayag Sah.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Prayag Kumar Sah alias Prayag Sah, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Chhotelal Sah, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Chhotelal Sah, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Chhotelal Sah, apprehends his arrest in connection with Gwalpara P.S. Case No.154 of 2020 registered under Sections 147, 148, 149, 323, 325, 307, 504 and 506 of the Indian Penal Code, pending in the court of the Additional Chief Judicial Magistrate-II, Udakishunganj, District-Madhepura.

The accusation is that on 25.11.2020 at about 04.00 A.M. in the morning, the informant Nirmala Devi was present at the door of her cattle shed. At that time, 8 persons, named in the F.I.R., including the petitioner no.2, namely, Chhotelal Sah,



along with 7-8 unknown having gun, iron rod and lathi in their hands came there and made indiscriminate firing and started to carry the husband of the informant Upendra Sah by dragging. When the informant made protest, then she was dashed by Shrawan Sah and Prayag Sah on the ground. Thereafter, the husband of the informant was taken by them. Thereafter, the informant also heard the sound of firing. On the alarm being raised by the informant, the villagers, son and daughter-in-law of the informant rushed there, then, on search, the husband of the informant was found with pool of blood in an unconscious stage by the side of the road. The husband of the informant was taken to Gwalpara Hospital from where he was referred to Madhepura Sadar Hospital.

Learned counsel for the petitioner no.2, namely, Chhotelal Sah, submits that, it would appear from the F.I.R. that, firstly, Shrawan Sah and Prayag Sah dashed the informant on the ground and, thereafter, the husband of the informant was taken from there by all the accused including the petitioner no.2, namely, Chhotelal Sah, as such, the petitioner no.2, namely, Chhotelal Sah, can only be said to be the member of the mob.

The photocopy of the injury report of Upendra Sah, the husband of the informant, which is Annexure-3/1 to this



application, indicates that 8 injuries were found on his person, which are grievous in nature.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2, namely, Chhotelal Sah, I am not inclined to grant the privilege of pre-arrest bail to the petitioner no.2, namely, Chhotelal Sah. Accordingly, the prayer of the petitioner no.2, namely, Chhotelal Sah, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, namely, Chhotelal Sah, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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