

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28058 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- ROSERA District- Samastipur

1. Chintu Devi @ Chinta Devi, aged about 32 years, Female, wife of Ram Babu Sah.
2. Ram Sagar Sah, aged about 65 years, Male, son of Late Tetar Sah.
3. Pawan Devi, aged about 55 years, Female, wife of Raghunath Sah,
All are resident of village- Haripur, Ward No.13, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Mr. Sujit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Abhay Shankar Singh, learned counsel for the petitioners and Mr. Anil Kumar Singh No.1, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Sujit Kumar Singh, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Rosera PS Case No.105 of 2020 dated 30.03.2020, instituted under Sections 120-B, 147, 302, 307 and 504 of the Indian Penal Code.

4. The allegation against the petitioners is that they



had caught hold of the brother of the informant upon whom co-accused, Ram Babu Sah, had inflicted knife blow resulting in his death and further allegation is that the same co-accused, Ram Babu Sah, had also inflicted knife blow on the informant and three other ladies, who were injured.

5. Learned counsel for the petitioners submitted that the entire family members, including ladies, have been made accused in a general and casual manner for wreaking vengeance against the family. It was submitted that it is unbelievable that seven persons would catch hold of one person and allow for one of the accused to be in a position to inflict knife blow. It was submitted that besides the aforesaid, even the postmortem report discloses that there were only two knife blows on the deceased which clearly shows that in a random manner, the blows were inflicted and had the petitioners and others caught hold of the deceased, then there would have been real risk of some injury on the side of the accused also, as in the FIR itself it has been stated that co-accused, Ram Babu Sah, was indiscriminately attacking the informant and other family members with knife. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that the petitioners were also amongst those who had caught hold of the brother of the



informant to enable co-accused, Ram Babu Sah, to inflict knife injuries on him.

7. Learned counsel for the informant submitted that the postmortem report reveals two injuries on the deceased and further, that the informant and three other lady members have also received knife blows and the petitioners are party to the same as they had actively facilitated the other co-accused in committing such crime.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the ACJM-1, Rosera, Samastipur, in Rosera PS Case No.105 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds shall lead to cancellation of their bail bonds.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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