

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34749 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

Motilal Sah, Son of Late Ramnath Sah, Resident of Village - Maghar, P.S.-
Bhagwanpur Hatt, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rananjay Kumar, Advocate.
For the Opposite Party/s :	Dr. Indiwari Kumari, APP
	Mr. Paritish Ranjan, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-03-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel appearing for the petitioner, learned counsel appearing for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhagwanpur Hatt P.S. Case No. 30 of 2020, registered under Sections 147, 148, 323, 324, 325, 307, 379, 354, 504 and 506 of the Indian Penal Code.

The accusation is that eight persons named in the FIR including the petitioner came at the door of the informant,



Ajay Prasad, and started to abuse. When the informant made protest then Motilal Sah (petitioner) instigated to others, on which, all stated to cause assault to him. In that course, Hari Kishore Saraf caused injury through lathi at his left leg. When his nephew, Rakesh Kumar @ Pappu Kumar came to save him then Motilal Sah (petitioner) gave Farsa blow causing injury at his head. Thereafter, Sunil Soni also caused injury twice through axe causing injury at his left hand and finger. When his niece and wife, namely, Riya Kumari and Renu Kumari reached there then they were also abused. At that time, Deepak Soni snatched the gold chain from the neck of his niece and thereafter, all entered in the house and damaged the household articles and also took cash of Rs.60,000/- from the box.

Learned counsel for the petitioner submits that due to petty dispute, hot talk was exchanged, in which, both sides received slight injury but with ulterior motive, the present case has been lodged with false allegation. Further submission is that while specific allegation has been made against the petitioner to cause injury through Farsa at Rakesh Kumar @ Pappu Kumar, nephew of the informant, but 11 injuries found on Rakesh Kumar @ Pappu Kumar, i.e., abrasion, swelling and pain, caused by hard and blunt substance. Further submissions is that



petitioner's side also sustained injury, regarding which, Bhagwanpur Hatt P.S. Case No. 32 of 2020 instituted on the basis of Fradbeyan of co-accused, Rambabu Kumar.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his rrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Siwan, in connection with Bhagwanpur Hatt P.S. Case No. 30 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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