

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39521 of 2020

Arising Out of PS. Case No.-216 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Ram Sah, aged about 48 years (Male), Son of Sahdew Sah, Resident of Village Bari Sankh, P.S.- Muffasil, District- Begusarai.
 2. Mahendra Sah, aged about 60 years (Male), Son of Late Harekishun Sah, Resident of Village Bari Sankh, P.S.- Muffasil, District- Begusarai.
 3. Ramchandra Rai, aged about 45 years (Male), Son of Sevak Rai, Resident of Village - Tulsipur, P.S.- Muffasil, District- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-11-2021 Vide order dated 20.09.2021, the application for grant of anticipatory bail filed on behalf of petitioner no. 1, namely, Ram Sah, was dismissed as withdrawn.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner nos. 2 and 3 and learned counsel for the State.

Now the petitioner nos. 2 and 3 are apprehending their arrest in connection with Muffasil P.S. Case No. 216/2020 for the offence registered under Sections 341, 323, 324, 504, 506,



307, 447, 448/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 06.05.2020 at 8.30 P.M. the informant was at his house then Ram Sah, Laxman Sah, Mahendra Sah, Pawan Kumar, Naresh Rai, Ram Chandra Rai and Bishundeo Tanti all his villagers came there and started hurling abuse due to old enmity. Ram Sah assaulted with Kulhari, Ram Chandra Rai assaulted with Khanti on his head and remaining persons assaulted with Lathi and Danda.

It has been submitted by learned counsel for the petitioner nos. 2 and 3 that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. The present case has been instituted due to previous enmity. There is no allegation of assault so far as petitioner no. 2 is concerned,

On behalf of the State, it is submitted that the petitioner nos. 2 and 3 are named in the F.I.R. There is specific allegation of assault alleged against the petitioner no. 3. Injury report corroborates with the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 3, namely, Ram Chandra Rai. The same is rejected in



connection with Muffasil P.S. Case No. 216/2020, pending in the court of learned C.J.M. Begusarai.

If the petitioner no. 3 surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

Let the petitioner no. 2, Mahendra Sah, (except petitioner no. 1 Ram Sah and petitioner no. 3 Ramchandra Rai) 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, in connection with Muffasil P.S. Case No. 216/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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