

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37264 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- SAHIYARA District- Sitamarhi

1. Kishore Sah, son of Late Dahaur Sah, Resident of village- Belahia Jairam, P.S.- Sahiyara, District- Sitamarhi.
2. Manoj Sah, Son of Late Dahaur Sah, Resident of village- Belahia Jairam, P.S.- Sahiyara, District- Sitamarhi.
3. Santosh Sah, Son of Late Dahaur Sah, Resident of village- Belahia Jairam, P.S.- Sahiyara, District- Sitamarhi.
4. Bachchi Devi, Resident of village- Belahia Jairam, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Praveen, Advocate  
For the Opposite Party/s : Mr.A.M.P. Mehta, APP

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

ORAL ORDER

2      30-06-2021      As prayed for, let the learned counsel appearing for the petitioners 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 for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Sahiyara P.S. Case No. 64 of 2020, registered under Sections 341, 323, 324, 307 and 302/34 of the Indian Penal Code.

The accusation is that on 20.06.2020, informant, Bikhu Sahni, was engaged in constructing the wall of toilet. In the



meantime, eight persons named in the FIR including petitioners came there various armed with weapons and started to abuse. When his son, Dinesh Sahni, made protest then Kishore Sah (petitioner no.1) gave *Dabia* blow causing injury at his head and others also started to cause assault to him through lathi, danda and iron rod. At that time, Minu Sahni, Santosh Sah (petitioner no.3) and Manoj Sah (petitioner no.2) also caused assault to the informant, Bikhu Sahni, causing injury at his forehead, hand and leg. On raising alarm, villagers came there and rushed to his son at S.K.M.C.H, Muzaffarpur, from where, he was referred to P.M.C.H., Patna, where he was declared dead.

Learned counsel for the petitioners submits that due to land dispute, occurrence of *Marput* took place, in which, petitioners' side also sustained injury, regarding which, Sahiyara P.S. Case No. 66 of 2020 is also instituted on the basis of Fradbeyan of Kishore Sah (petitioner no.1) against the informant of the present case and others. Further submission is that while petitioner no. 4, Bachchi Devi, and other female members are named in the FIR but no specific overt act has been attributed against them, in fact, due to bad intention, only to harass, the petitioner no. 4 and other female members have been implicated in the present case with false allegation. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner no.4, namely, Bachchi Devi, be released on bail, in the event of her arrest 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 Additional Chief Judicial Magistrate-V, Sitamarhi, in connection with Sahiyara P.S. Case No. 64 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the application for pre-arrest bail of petitioner nos. 1, 2 and 3, namely, Kishore Sah, Manoj Sah and Santosh Sah, are concerned, I am not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1, 2 and 3 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

**(Rajendra Kumar Mishra, J)**

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