

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38977 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- UCHKAGAON District- Gopalganj

1. SHEO PRASAD SAH Son of Late Tilak Sah Resident of Village/Mauja-Barmain, P.S.- Uchkagaon, District- Gopalganj.
2. Babloo @ Babloo Sah Son of Sheo Prasad Sah Resident of Village/Mauja-Barmain, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Rakesh Kumar, Advocate.
For the State	:	Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 14-07-2021 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 22.12.2020, 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, Sheo Prasad Sah, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Sheo Prasad Sah.

Permission is accorded.



This application in respect of the petitioner no.1, namely, Sheo Prasad Sah, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Babloo alias Babloo Sah, for grant of privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner no.2, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, above named, apprehends his arrest in connection with Uchkagaon P.S. Case No.22 of 2020 registered under Sections 302, 354(B) and 201/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Gopalganj.

The accusation is that in the morning of 24.01.2020, Mantu, the brother-in-law (dewar) of the informant Subhawati Devi, wife of Jaglal Sah, made attempt to commit rape on the informant but she, anyhow, saved herself moving from there. In the evening, when Jaglal Sah, the husband of the informant, came, then the informant made complaint to him. Thereafter, Jaglal Sah, the husband of the informant, made complaint to Mantu and his wife Mira Devi, due to which scuffle started. On hearing about the scuffle, Babloo (petitioner no.2), another



brother-in-law (dewar) of the informant, and his wife Suman Devi came and started to cause assault to Jaglal Sah, the husband of the informant, and threw him in the courtyard. Nandlal Sah, the brother-in-law (Bahnoi) of the deceased Jaglal Sah, the husband of the informant, with the help of Sheo Prasad Sah with an intention to disappear the evidence disposed of the dead body of Jaglal Sah, the husband of the informant, in the night itself.

Learned counsel for the petitioner no.2, above named, submits that the petitioner no.2 is the brother-in-law (dewar) of the informant and has falsely been implicated in this case. In fact, in drunken state, the occurrence of “Maar-Peet” took place between the parties in which Jaglal Sah, the husband of the informant, sustained injury and, thereafter, with the consent of the family members of the parties, his dead body was disposed of.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2, above named, I am not inclined to grant anticipatory bail to the petitioner no.2, above named. Accordingly, the prayer of the petitioner no.2, above named, for grant of anticipatory bail stands rejected. However, the petitioner no.2, above named, 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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