

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 40081 of 2020

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1. Sanjeev Sah @ Sandeep Kumar Sah, aged 28 years (male), son of Umesh Sah
 2. Fantush Sah, aged 22 years (male), s/o Umesh Sah,
 3. Nasiban Sah @ Nasiban Kumar Sah, aged 32 years (male), s/o Umesh Sah
 4. Gautam Sah, aged 30 years (male), S/o Umesh Sah, all R/O village-Khanga, Police Station-Snambhugnaj, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the State : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State, Mr. Ashok Kumar.

This is an application for grant of anticipatory



bail in connection with Shambhuganj P.S. Case No. 86 of 2020 registered for the offences punishable under Section 147, 149, 323, 307, 504, 504 and 506 of the Indian penal Code.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 2 has already been arrested, hence, the present petition is not being pressed qua the petitioner no. 2. Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.

The allegation is regarding the informant and her husband having been abused and assaulted by the accused persons, when they had protested regarding the petitioners fishing in their reservoir.

The learned counsel for the petitioners no. 1, 3 and 4 submits that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners no. 1, 3 and 4 has further submitted that a bare perusal of the



FIR would show that the petitioner no. 1 has been alleged to have assaulted the informant, namely, Babita Devi, however, the fact is that she has not sustained any injury, as has been categorically stated in paragraph no. 8 of the petition. It is also submitted that as far as the petitioners no. 3 and 4 are concerned, no allegation of any sort of overt act has been leveled qua them.

Per contra, the learned APP for the State, Mr. Ashok Kumar, has vehemently opposed the prayer for bail and has submitted that the husband of the informant has received grievous injuries.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners No. 1, 3 and 4 and taking into account the materials available on record, this Court finds that as far as the petitioner no. 1 is concerned, he has been alleged to have assaulted the informant, but admittedly, there is no injury report as far as the informant of



this case is concerned and further, as far as the petitioners no. 3 and 4 are concerned, no allegation of any sort of overt act has been leveled qua them, hence, I deem it fit and proper to enlarge the petitioners no. 1, 3 and 4, above named, in the event of their arrest or surrender before the Ld. court below within a period of eight weeks from today, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV/Successor court, Banka in connection with Shambhuganj P.S. Case No. 86/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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