

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.441 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- MADHWAPUR District- Madhubani

1. Suresh Sahu @ Suresh Sah, aged about 38 years (M), S/o Ganga Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
2. Shri Lal, aged about 50 years (M), S/o Kishori Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
3. Vishnu Deo Sah @ Vishnu Sah, aged about 40 years (M), S/o Late Sita Ram Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
4. Vishwanath Sah, aged about 50 years (M), S/o Ram Sharan Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
5. Laxman Sah, aged about 35 years (M), S/o Ram Ashish Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
6. Yunal Sah @ Yugal Kishori Sah @ Yugal Sah, aged about 45 years, (M), S/o Late Ram Chandra Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
7. Manoj Sah, aged about 43 years, (M), S/o Late Mahindra Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
8. Sudesh Sahu @ Sanichar Sah, aged about 48 years (M), S/o Late Pachhu Mukhiya, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
9. Nageshwar Sah, aged about 35 years (M), S/o Late Ram Bhuwan Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
10. Vijay Sah, aged about 25 years (M), S/o Raudi Sah @ Gurak Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
11. Panhan Kumar @ Paltan Sah, aged about 20 years (M), S/o Bhola Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
12. Sanjeev Kumar Sah @ Sanjeev Sah, aged about 35 years (M), S/o Yogendra Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
13. Vishnu Sah @ Bishun Sah, aged about 30 years (M), S/o Roudi Sah @ Gurak Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
14. Tilai Mukhiya, aged about 55 years (M), S/o Pachhu Mukhiya, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
15. Shyam Kumar @ Shyam Kumar Sah, aged about 35 years (M), S/o Jai Narayan Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.
16. Shankar Sah, aged about 40 years (M), S/o Chalitar Sah, Resident of Vill.- Basuki Bihari, P.S.- Madhwapur, Distt.- Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR



... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ravi Prakash, Advocate.
For the State : Mr. Udbhar, A.P.P.
For the Informant: : Mrs. Vaishnavi Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of the petitioner no. 2, namely, Shri Lal and petitioner no. 16, namely, Shankar Sah as they have been taken into judicial custody in connection with Madhwapur P.S. Case No. 45 of 2020, pending in the court of learned J.M. Ist Class, Benipatti, Madhubani.

Heard learned counsel for the petitioner nos. 1 and 3 to 15, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

Now, the petitioner nos. 1, 3 to 15 are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 307, 379, 427 and 504 of the I.P.C.

The prosecution story, in brief, is that the petitioners and 50 unknown persons came armed with various deadly



weapons and in the leadership of co-accused Vijay Mukhiya Sah, (Ex-Mukhiya), abused to Lakshya Deo Mandal and assaulted with Farsa on the head of the informant causing head injury and others also assaulted with Lathi. When Lakshya Deo Mandal came to rescue him then Vijay Sah pointed the pistol on his chest and took signature on two plain papers forcibly. When Sunil Kumar Mandal came to rescue him then they forcibly took signature on plain paper. On hulla, when the nearby people assembled then on the order of co-accused Vijay Sah, Shyam Kumar Sah (petitioner no. 15) armed with Farsa, co-accused Raj Kumar armed with Garasa, co-accused Feku Sah armed with Farsa, co-accused Bindeshwer Mukhiya armed with Farsa, co-accused Kailash Sah armed with Garasa, co-accused Subodh Sah armed with Tengari, Yugal Sah (petitioner no.6) armed with Bhala, co-accused Ram Sevak Sah armed with Farsa, co-accused Rajesh Sah, Awadh Sah and Shekhar Sah armed with Iron rod assaulted to Akhilesh Kumar Mandal causing head and hand injuries, Dayaban Mandal, Ram Kumar Mandal received head and eye injuries and Surendra Singh received head, leg and finger injuries. When Amit Kumar Singh and Sunil Kumar Mandal came to rescue then accused persons including the petitioners also assaulted with Garasa and Iron rod and also



assaulted Lakshya Deo Mandal with Iron rod, Farsa and Lathi. When the villagers came there, accused persons including the petitioners also gave slogan “Jai Bajarangbali” and also attacked on Krishna Nandan Mandal, Ram Chandra Mandal, Badri Das, Rajendra Das, Surendra Das, Ram Briksh Das and Prem Kumar with Farsa, Garasa Lathi and rod. Accused persons including the petitioners abused to Badri Das, Rajendra Das and Ram Briksh Das by taking their caste name. They also snatched golden chain from the informant, Ram Kumar Mandal and Dayaban Mandal and also damaged Palang and Chair and also looted cash Rs. 35,000/- from the shop and also damaged five motorcycles. On 19.05.2020, accused persons including the petitioners also assaulted the informant’s brother, namely, Akhilesh Kumar Mandal, for which a case was also lodged. The cause of occurrence is that in the last Panchayat Election, co-accused Vijay Sah was defeated from Lakshya Deo Mandal.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 to 15 that they have got no criminal antecedent except petitioner nos. 13 and 15. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. Injury on the side of



accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. It has further been pointed out that the date of occurrence of the present case is said to be 25.05.2020 but the case was instituted on 03.06.2020 by the informant of the present case. Delay in instituting the F.I.R. has also not been explained by the prosecution as to when a case was instituted by Vishnu Sah (petitioner no. 15) on 25.05.2020 for the said date of occurrence i.e., 25.05.2020, which is Annexure-4 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1 and 3 to 15 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 3 to 15 above named, (except petitioner no. 2, namely, Shri Lal and petitioner no. 16, namely, Shankar Sah) 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 their personal bond to the satisfaction of the learned Judicial Magistrate-Ist Class, Benipatti, Madhubani, in connection with Madhwapur P.S. Case No. 45/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner nos. 1 and 3 to 15 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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