

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1174 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- KESARIA District- East Champaran

1. BHARAT SAH, Son of Bhikhari Sah
2. SANTULAL SAH @ NANDLAL SAH, Son of Bharat Sah
3. RAM PRAVESH SAH, Son of Bharat Sah
4. MANJAY SAH @ MANJAY KUMAR, Son of Bharat Sah
5. NAGENDRA SAH, Son of Bharat Sah
6. BIRENDRA KUMAR, Son of Bharat Sah

All are Resident of Village - Dhekahan Sarha, Police Station - Kesaria,
District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-12-2021 Learned counsel for the petitioners undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr.
Binod Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-
arrest bail in connection with Kesaria P.S. Case No.200 of 2020
registered for the offences punishable under Sections 341, 452,
323, 324, 325, 307, 379 and 504/34 of the Indian Penal Code.
The petitioners have no criminal antecedents.



As per the First Information Report, the allegation against the petitioners is that with an intention to commit dacoity the accused persons armed with Farsa, Sword and Lathi in their hands entered into the house of the informant and assaulted the informant and his family members. It is further alleged that the all the accused persons including these petitioners gave Farsa, Sword and Lathi blow on the head of the informant, his father and brother due to which they sustained injuries. It is also alleged that the accused persons took away Rs.15,000/- and snatched a golden chain worth Rs.19,000/- from the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. Learned counsel submits that there is general and omnibus kind of allegation of assault against all the petitioners. It is submitted that the petitioners have no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case and the materials present in the case diary, so far as petitioner no.1 and 2 are concerned, there are specific



allegations against them of causing assault on vital part of the body, this Court is not inclined to grant them privilege of anticipatory bail. The prayer for anticipatory bail of petitioner nos.1 and 2 is, thus, refused.

So far as petitioner nos.3, 4, 5 and 6 are concerned, the allegations against them are general and omnibus and there is also a counter version of the case being Kesariya P.S. Case No.207 of 2020 and further that these petitioner nos.3 to 6 are not having any criminal antecedent as stated in paragraph '3' of the petition, this Court directs that Ram Pravesh Sah (petitioner no.3), Manjay Sah @ Manjay Kumar (petitioner no.4), Nagendra Sah (petitioner no.5) and Birendra Kumar (petitioner no.6) in the event of their arrest or surrender within a period of four weeks from today in connection with Kesaria P.S. Case No.200 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos.3, 4, 5 and 6 and in case at any stage it is found that these petitioners have



concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of these petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

