

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8453 of 2021

Arising Out of PS. Case No.-384 Year-2019 Thana- BAIRIYA District- West Champaran

1. ARUN KUMAR @ ARUN SAH @ TAYAGI SON OF BANARASHI SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
2. SONU KUMAR @ SOLU KUMAR SON OF BIRENDRA SAH @ BIRENDRA PRASAD R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
3. JAILAL KUMAR SON OF LATE DUKHI SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
4. RAHUL KUMAR SON OF LATE BINOD SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
5. RAJ KUMAR SAH @ RAM KUMAR SAH SON OF LAXMAN SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
6. DINESH SONI @ DINESH KUMAR SONI SON OF RAM KUMAR SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
7. DEEPAK SONI @ DEEPAK KUMAR SONI SON OF RAM KUMAR SONI R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
8. SURESH SONI @ SURESH SAH SONI SON OF RAM KUMAR SONI R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN
9. BHOLA KUMAR SON OF AMERIKA SAH R/O VILLAGE- HAAT SARAIYA, P.S.- BAIRIYA, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2021 Heard Mr. Anant Kumar Mishra, the learned

Advocate for the petitioners and Mr. Md. Shakir Ahmad,



the learned APP for the State.

Mr. Anant Kumar Mishra, the learned Advocate for the petitioners seeks permission to withdraw the application with respect to the petitioner no. 1, who has been arrested during the pendency of this application.

The petition with respect to the petitioner no. 1/ Arun Kumar @ Arun Sah@ Tayagi is dismissed as having become infructuous.

The petitioner nos. 2 to 9 seek bail in anticipation of their arrest in connection with Bairiya P.S. Case No. 384 of 2019 instituted for the offences under Sections 147, 148, 149, 341, 323, 342, 307, 332, 333, 353, 427, 436, 504, 506 and 120(B) of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

It has been alleged in the First Information Report that for the murder of one Munna Sah, the villagers were suspecting the hands of one Santosh Sah who was being protected by the local police. As a result, when the local police arrived at the place of occurrence, they were attacked by the villagers. The petitioner nos. 2



to 9 have been made accused in this case on the basis of their identification in the video footage and on statement of other witnesses.

It has been urged on behalf of the petitioners that merely because the petitioners are the residents of the village and have shown some sympathy for the slain Munna Sah, they have been made accused in this case. There is no specific accusation against anyone of the petitioners. The petitioners are poor persons of the village, who have unnecessarily been made accused in this case.

They do not have criminal antecedents.

For the reasons afore-stated, the petitioner nos. 2 to 9, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 384



of 2019, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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