

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3688 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- AMARPUR District- Banka

1. SAHDEO RAI Son of Late Jagdish Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
2. Jyotish Rai @ Jeotish Rai Son of Nakul Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
3. Satish Rai Chhatish Rai Son of Nakul Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
4. Nakul Rai Son of Late Jagdish Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
5. Shiv Narayan @ Shiv Rai Son of Late Jagdish Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
6. Veena @ Meena Devi W/o Dilip Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
7. Chanda @ Chandrama Devi W/o Sahdeo Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
8. Sunita Devi W/o Sudhir Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.
9. Murli Devi @ Mugli Devi W/o Sudhir Rai Resident of Baliya Gadal, Police Station- Amarpur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-09-2022 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Amarpur



P.S. Case No. 266 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 337, 353 and 427 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R., where, petitioner no.4 and petitioner no.5 are in custody since 29.06.2021 and rest of the petitioners are in custody since 07.06.2021.

The allegation against the above-named petitioners is to assault police personnel on duty, causing injury by using weapons like *lathi*, *danda*, sword, etc. with intention to cause death.

Learned counsel appearing on behalf of the petitioners submitted that the allegation as regard to assault against these petitioners are very much general and omnibus, where, petitioner nos.6, 7, 8 and 9 are lady. It is also submitted that seizure list is disputed, as the same is not supported by independent witnesses rather by the police personnel. It is also submitted that no sharp-cut injury were found upon any of the injured, suggesting that no assault was caused by petitioner no.1, as alleged to be equipped with sword. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been



submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus, where, petitioner nos. 6, 7, 8 and 9 are lady coupled with the fact that charge-sheet has already been submitted, let these petitioners, above named, are directed to be released on bail in connection with Amarpur P.S. Case No. 266 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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