

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17869 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- SALAKHUA District- Saharsa

1. RAJESH SADA S/O NARESH SADA R/O VILLAGE-SAHURIYA HANUMAN TOLA WARD NO.10, P.S.-SALKHUA (CHIRAIYA OP), DISTRICT-SAHARSA.
2. ARVIND SADA S/O HARILAL SADA R/O VILLAGE-SAHURIYA HANUMAN TOLA WARD NO.10, P.S.-SALKHUA (CHIRAIYA OP), DISTRICT-SAHARSA.
3. ANIRUDH SADA @ ANIRUDDHA SADA S/O HARILAL SADA R/O VILLAGE-SAHURIYA HANUMAN TOLA WARD NO.10, P.S.-SALKHUA (CHIRAIYA OP), DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-03-2022 Heard Mr. Amarnath Jha, learned Advocate for the petitioner and Mr. Ram Priya Sharan Singh, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Salkhua (Chiraiya O.P.) P.S. Case No. 209 of 2020 dated 11.09.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 384, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against petitioner no. 1 and another is of having fired at Udesb Mahto, when he had refused to pay-up the protection money of Rs. 5000/-. However, the firing resorted



to by the petitioner and another led to injuries on the knees of the informant.

So far as the petitioners no. 2 and 3 are concerned, there is no accusation against them except for their being named in the subject FIR.

The reason for falsely implicating the petitioners is that the sister of one of the co-accused persons of this case *viz.* Ranjit Mahto had earlier lodged a case *vide* Salkhua P.S. Case No. 214 of 2017 against aforesaid Udesb Mahto and his family members under Sections 376, 504, 506 and 34 of the IPC. It is at the instance of Udesb Mahto that the petitioners have been made accused in this case.

However, regard being had to the fact that the petitioner no. 1 (Rajesh Sada) is said to have caused gun-shot injury on the person of the informant, I am not inclined to grant anticipatory bail to him.

Accordingly, his prayer for anticipatory bail is rejected.

However, if he surrenders before the court below and seeks bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.



So far as petitioners no. 2 and 3 are concerned, there is no specific accusation against them and they do not have criminal antecedents.

Regard being had to the aforestated facts, the petitioners no. 2 and 3 (Arvind Sada and Anirudh Sada @ Aniruddha Sada respectively) are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Saharsa in connection with Salkhua (Chiraiya O.P.) P.S. Case No. 209 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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