

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17358 of 2022

Arising Out of PS. Case No.-598 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. Mukesh Sah @ Mukesh Kumar Son Of Mani Sah @ Manmohan Sah R/O Village- Khoja Dhanoura, P.S.- Rashalpur (Kahalgaon), District- Bhagalpur
2. Deepak Sah @ Deepak Kumar Son Of Mani Sah @ Manmohan Sah R/O Village- Khoja Dhanoura, P.S.- Rashalpur (Kahalgaon), District- Bhagalpur
3. Renu Devi Wife Of Mani Sah @ Man Mohan Sah R/O Village- Khoja Dhanoura, P.S.- Rashalpur (Kahalgaon), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Kahalgaon (Rashalpur) P.S. Case No. 598 of 2021, registered for the offences punishable under Section 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, petitioner no. 1 and 2 inflicted *Khanti* and *Kudal* blow and petitioner no. 3 assaulted the informant with *Jhola*, as a result of which wife of informant died.



It is submitted that during course of investigation it has come that petitioner nos. 1 and petitioner no. 2 were not present at the place of occurrence. Admittedly, land dispute is going on between the parties. Petitioners are cousin brothers and aunt of co-accused Fantus Sah. Post mortem report does not corroborate the prosecution case.

However, counsel for State opposed the prayer for bail and submitted that petitioners are named in the FIR and there is specific allegation of assault with *Khanti* and *Kudal*. Medical report corroborates the allegation made in the FIR. However, so far as petitioner no. 3 is concerned, there is allegation of assault by *Jhola*.

So far as petitioner nos. 1 and 2 are concerned, there is specific and direct allegation of assault by means of *Khanti* and *Kudal*, I am not inclined to enlarge them on anticipatory bail.

Accordingly, the prayer for anticipatory bail with respect to petitioner nos. 1 and 2 is rejected.

Having considered the fact that there is allegation of assault by *Jhola* against petitioner no. 3 Renu Devi, in the event of her arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this



order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Rashalpur) P.S. Case No. 598 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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