

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31134 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- SONBERSA District- Sitamarhi

1. SUNDAR SAH SON OF BANBARI SAH RESIDENT OF VILLAGE- SAHORWA, P.S. SONBARSA, DISTRICT- SITAMARHI
2. PUKAR SAH SON OF BANBARI SAH RESIDENT OF VILLAGE- SAHORWA, P.S. SONBARSA, DISTRICT- SITAMARHI
3. SIYA SHARAN SAH SON OF BANBARI SAH RESIDENT OF VILLAGE- SAHORWA, P.S. SONBARSA, DISTRICT- SITAMARHI
4. RAM SHARAN SAH SON OF BANBARI SAH RESIDENT OF VILLAGE- SAHORWA, P.S.- SONBARSA, DISTRICT- SITAMARHI
5. JITENDRA SAH SON OF HARI SHANKAR SAH RESIDENT OF VILLAGE- JHITKAHIYAN, P.S.- BATHNAHA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard the parties through virtual court proceedings.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.

Now, the present application is being heard as against



petitioner nos.2 to 5.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case in connection with Sonbarsa P.S. Case No.260 of 2020, registered for the offence punishable under Sections 341, 323, 307, 504, 313, 506, 34 of the IPC.

The prosecution case in short is that all the FIR named accused persons, armed variously came to the house of the informant and started abusing her on account of an old dispute. On protest, they assaulted the informant and her family members and tried to outrage her modesty.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to previous land dispute. No such occurrence as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of assault is attributed upon Sunder Sah and no injury has been discussed in the impugned order. Petitioners have no



criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.2 to 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Sonbarsa P.S. Case No.260 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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