

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36128 of 2021

Arising Out of PS. Case No.-712 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. DILIP SAH S/O BAIJNATH SAH R/o village- Bengha, Ward No. 4, P.S. and District- Saharsa
2. Rohit Kumar @ Awadhesh Sah @ Awadhesh Kumar S/o Baijnath Sah R/o village- Bengha, Ward No. 4, P.S. and District- Saharsa
3. Rahul Kumar Sah @ Rahul Kumar S/o Baijnath Sah R/o village- Bengha, Ward No. 4, P.S. and District- Saharsa
4. Rubi Devi W/o Dilip Sah R/o village- Bengha, Ward No. 4, P.S. and District- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Saharsa Sadar P.S. Case No. 712 of 2020 registered for the offence under Sections 447, 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

Prosecution case in short is that while the informant was fixing Khoonta at his door for tying the cattle, the accused



persons having armed with different weapons with common intention came there and prevented from fixing Khoonta and also started abusing. On protest, the informant was assaulted as a result of which, the wrist of his right hand was cut. When the informant's brother and father came to rescue, they were also assaulted. Rs. 1500/- is said to have snatched away from the pocket of the informant while a gold chain was also snatched.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 I.P.C. is made out in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. The petitioner No. 4 is a lady. The case was instituted after four days of alleged occurrence. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 712 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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