

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28881 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- HATHAURI District- Muzaffarpur

1. NUNNU SAH S/o Raghunath Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
2. Manganu Sah S/o Raghunath Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
3. Pramila Devi W/o Raghunath Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
4. Rambabu Sah S/o Late Nathuni Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
5. Ranjan Sah S/o Late Nathuni Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
6. Pramila Devi @ Mithlesh Devi W/o Late Nahuni Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.
7. Sikila Devi W/o Rambabu Sah Resident of Village- Madhepura, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

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 registered



for the offence punishable under Sections 147, 149, 341, 323, 307, 354(A), 379, 504 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners are said to have indiscriminately assaulted the informant's side by means of various weapons. They also disrobed the informant's daughter and took away valuable articles from the house.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is specific allegation against petitioner 1 to assault the informant by means of iron rod on his head but the injury report shows that the informant received sharp cut injury on head, which is simple in nature. It is further submitted that for the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



since the injury report has not supported the prosecution case and there is case and counter-case between the parties, let the above named petitioners, 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 Hathauri P.S. Case No.181 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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