

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39271 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- MADHUBAN District- East Champaran

1. SANJAY SAH Son of Chandeshwar Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
2. Managar Sah S/o Sri Kishun Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
3. Ramchandar Sah S/o Sri Kishun Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
4. Nandlal Sah S/o Sri Kishun Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
5. Chandeshwar Sah @ Chandrashwar Sah S/o Sri Kishun Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
6. Ram Pravesah Sah S/o Banarsi Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
7. Binod Sah S/o Banarsi Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
8. Rambhu Sah S/o Banarsi Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
9. Shambhu Sah S/o Banarsi Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
10. Khakhanu Sah S/o Late Satahu Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
11. Manoj Sah S/o Khakhanu Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
12. Shyam Kumar S/o Nandlal Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
13. Raja Kumar S/o Ramchandra Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
14. Munna Kumar S/o Ramchandra Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.
15. Banarsi Sah S/o Late Satahu Sah Resident of Village- Jogaulia Tola Gulab Khan, P.S.- Madhuban, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP



CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned
APP for 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.

Learned counsel for the petitioners seeks permission of
the Court to withdraw the present application in respect of petitioner
no. 4 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of
petitioner No. 4.

The petitioner Nos. 1 to 3 and 5 to 15 are apprehending
their arrest in a case registered under Sections 147, 148, 149, 341,
323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused
persons, variously armed, assaulted the informant and family
members due to which they sustained injury.

It has been submitted on behalf of petitioner Nos. 1 to 3
and 5 to 15 that they have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against petitioner Nos. 1
to 3 and 5 to 15. The petitioner Nos. 1 to 3 and 5 to 15 have falsely
been implicated in the present case. There is a case and counter case



between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The counter case is Annexure-2 to the present application. The informant subsequently has filed a petition in the Court below in which he has retracted from his earlier statement made in the F.I.R. The said petition is Annexure-3 to the present application.

On behalf of the State, it is submitted that petitioner Nos. 1 to 3 and 5 to 15 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos. 1 to 3 and 5 to 15, above named, in the event of arrest/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, East Champaran at Motihari in connection with Madhuban P.S. Case No. 91 of 2020, G.R. Case No. 2604 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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