

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31549 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

PRADEEP KUMAR Son of Lal Babu Sah Resident of Village - Dhanhara,
P.S. - Runnisaidpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28646 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. KUNTI DEVI W/o Kapil Sah @ Kapil Dev @ Kapil Deb Sah Resident of Village - Dhanhara, Ward No.1, P.S.- Runnisaidpur, Distt.- Sitamarhi.
2. Sudhir Kumar @ Sudhir Shah Son of Mahendra Shah @ Mahendra Sah Resident of Village - Dhanhara, Ward No.1, P.S.- Runnisaidpur, Distt.- Sitamarhi.
3. Mahendra Sah @ Mahendra Sah Son of Ram Swarth Sah Resident of Village - Dhanhara, Ward No.1, P.S.- Runnisaidpur, Distt.- Sitamarhi.
4. Mala Devi @ Maula Devi W/o Bhagya Chandra Sah Resident of Village - Dhanhara, Ward No.1, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40911 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. DIPAK KUMAR Son of Ram Sakal Sah @ Sakal Sah Resident of village - Panchayat manik Chowk Ufri, Ward No.11, P.S.- Runni Saidpur, Distt.- Sitamarhi.
2. Ramsakal Sah @ Sakal Sah Son of Saukhilal Sah Resident of village - Panchayat manik Chowk Ufri, Ward No.11, P.S.- Runni Saidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 44861 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

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RAM PAVITAR SAH @ RAM PAVITRA SAH @ PAVITRA SAH S/O LATE
FULCHAN SAH R/o village- Manik Chowk Tola Shripur, P.S.- Runnisaidpur,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 69649 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

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RAMJI SAH Son of Bhag Chandra Sah Resident of Village - Dhanhara, P.s.-
Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 31549 of 2021)
For the Petitioner/s : Mr.Alok Kumar Alok
Mr. Santosh Kumar
For opposite party no.2 Mr. Devendra Kumar
For the State Mr. Sunil Kumar Pandey,
For the Opposite Party/s : Mr.A.G.
(In CRIMINAL MISCELLANEOUS No. 28646 of 2021)
For the Petitioner/s : Mr.Shankar Kumar
For the Opposite Party/s : Mr.A.G
(In CRIMINAL MISCELLANEOUS No. 40911 of 2021)
For the Petitioner/s : Mr.Krishna Murari
For the Opposite Party/s : Mr.Mohammed Arif
(In CRIMINAL MISCELLANEOUS No. 44861 of 2021)
For the Petitioner/s : Mr. Vikash kumar Jha
Mr. Santosh Kumar
Mr.Alok Kumar Alok
For the Opposite Party/s : Mr. Mritunjay Kumar Gautam APP
For the informant Mr. Devendra Kumar
(In CRIMINAL MISCELLANEOUS No. 69649 of 2021)
For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Madhura Nand Jha

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 25-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 447, 323, 325, 341, 307, 302 and 504 of the Indian Penal Code, registered in connection with Runnisaipur P.S. Case No. 364 of 2020.

As per allegation, co-accused Sunil Kumar along with 15-20 persons came to the *darvaza* of the informant. They made the allegation against the informant that the informant was the person, who informed the police about the complicity of accused persons in business of illicit liquor. Thereafter, the FIR named accused persons including the petitioners badly assaulted the informant and his elder brother Jai Narayan Sah. Jai Narayan Sah died during the course of treatment.

The learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated these cases. There is no specific allegation on the petitioners to assault the deceased, rather the allegation is general and omnibus.



The learned counsel for the petitioner (Ramsakal Sah) has submitted that he is 70 years old. It has also been submitted that co-accused Rohit Kumar has been granted anticipatory bail in Cr.Misc. No. 9846 of 2021.

On the other hand, the learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and submitted that FIR itself shows that the members of the prosecution side have been badly assaulted at the hands of the petitioners merely because they had informed the police about the indulgence of the petitioners in their business of illicit liquor. Due to assault of the petitioners and other accused persons one innocent namely Jai Narayan Sah breathed his last .He has submitted further that the trial is going on and due to absconding of the petitioners the investigations against them are still going on.

In my view, these are not fit cases for anticipatory bail. As such, prayer for anticipatory bail on behalf of the petitioners is rejected.

If the petitioner surrender before the court below and seek regular bail, that shall be disposed of on its own merit, without being prejudiced by this order.

Office shall ensure that all defects are removed by



the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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