

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57693 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- BAIRIYA District- West Champaran

1. Kishori Sah Son of Late Ramayan Prasad Resident of Village - Bhitaha Mathiya, P.s.- Bairiya, Distt.- West Champaran.
2. Sonelal Sah Son of Kishori Sah Resident of Village - Bhitaha Mathiya, P.s.- Bairiya, Distt.- West Champaran.
3. Harikesh Sah Son of Kishori Sah Resident of Village - Bhitaha Mathiya, P.s.- Bairiya, Distt.- West Champaran.
4. Mukesh Sah Son of Kishori Sah Resident of Village - Bhitaha Mathiya, P.s.- Bairiya, Distt.- West Champaran.
5. Sharda Devi Son of Kishori Sah Resident of Village - Bhitaha Mathiya, P.s.- Bairiya, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate.
For the Opposite Party/s : Mr. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-06-2022 Heard learned counsel for the parties.

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

The petitioners seek anticipatory bail in connection with Bairiya P.S. Case No. 208 of 2020, registered for the offences under Sections 147, 341, 323, 324, 379, 504, of the Indian Penal Code.

Learned counsel for the petitioners submits that the instant case is counter blast of Bairiya P.S. Case No. 207 of 2020 lodged by the petitioner no. 1 under Sections 341, 323, 324, 307, 325, 379, 504 of the Indian Penal Code against the present informant and others, in which the petitioners' side too received



injuries. It is essential to mention here that these petitioners were given privilege under Section 41(1) of the Code of Criminal Procedure during the course of investigation and they also cooperated in investigation, after investigation the police submitted charge sheet on 9.8.2020 only against these petitioners under Sections 341, 323, 324, 504 of the IPC.

Learned APP has opposed the prayer of bail.

Having considered the above submissions and mainly the facts that the investigation has been completed and during the course of investigation the petitioners were given the privilege of Section 41(1) Cr.P.C and there is no allegation of prosecution about the misuse of said privilege, let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 208 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shailendra Singh, J)

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