

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57440 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- BAUSI District- Araria

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1. Shyam Sah Son of Indra Chand Sah @ Inar Chand Sah R/o Village- Mirzapur, Ward No. 11, Police Station- Bousi, Dist.- Araria.
 2. Rani Kumari Daughter of Shyam Sah R/o Village- Mirzapur, Ward No. 11, Police Station- Bousi, Dist.- Araria.
 3. Pari Devi Wife of Shyam Sah R/o Village- Mirzapur, Ward No. 11, Police Station- Bousi, Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Bousi P.S. Case No.111 of 2020, registered for the offences punishable under Sections 341, 323, 354, 379, 504 and 34 of the Indian Penal Code.

The petitioners and other co-accused persons are said to have assaulted the niece of the informant. When the informant raised objection, the petitioners and other co-accused persons abused her. In the meantime, Shyam Sah, petitioner no.1 caught hold the hair of the informant and all accused persons started assaulting her by means of leg, fists and lathi. Co-accused, Arun



Sah snatched the locket made of silver and earring made of gold from the informant. When the sister-in-law of the informant came save her, Shyam Sah and Pari Devi, petitioners no.1 and 3 respectively assaulted the sister-in-law of the informant by means of lathi, leg and fists. Co-accused, Rahul Sah snatched the lock made of silver from the sister-in-law of the informant. It is also alleged that the accused persons torn the clothes of the informant and her sister-in-law.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties and no specific allegation is alleged against the petitioners. It is submitted that earlier petitioners have filed a case against the informant being Bousi P.S. Case No.110 of 2020, dated 24.08.2020 and thereafter the informant filed the present case against the petitioners on 27.08.2020 for the occurrence dated 23.08.2020 after delay of four days without giving any explanation. It is also submitted that both sides sustained injuries. It is lastly submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the fact that there is delay of



four days in lodging the FIR, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Araria in connection with Bousi P.S. Case No.111 of 2020, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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