

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63917 of 2021

Arising Out of PS. Case No.-384 Year-2019 Thana- BAIRIYA District- West Champaran

1. Krishna Kumar, aged about 19 years, male, Son of Sri Kishori Sah.
2. Ramdhani Sah, aged about 24 years, male, Son of Sri Julum Sah.
3. Jhunna Sah, aged about 25 years, male, Son of Sri Jagnarayan Sah.
4. Mohan Sah @ Brijesh Sah, aged about 23 years, male, Son of Sri Jagnarayan Sah.

All are resident of Village - Hat Saraiya, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-01-2022 Heard the counsel for the parties.

Mr. Sanjay Kumar Pandey, the learned Advocate for the petitioners seeks permission to withdraw the application with respect to petitioner No. 1, namely, Krishna Kumar, who has been arrested during the pendency of this bail application.



Permission is granted.

The application with respect to petitioner No. 1 is dismissed as having become infructuous.

The petitioner Nos. 2 to 4 seek bail in anticipation of their arrest in connection with Bairiya P.S. Case No. 384 of 2019, dated 05.11.2019, instituted for the offences under Sections 147, 148, 149, 341, 323, 342, 307, 332, 333, 353, 427, 436, 504, 506 and 120-B of the Indian Penal Code and Section 3/4 of the Prevention of Damage to Public Property Act.

It has been alleged in the F.I.R. that for the murder of one Munna Sah, the villagers were suspecting the hands of one Santosh Sah, who was being protected by the local police. As a result, when the local police arrived at the place of occurrence, they were attacked by the villagers. The petitioner Nos. 2 to 4 have been made accused in this case on the basis of their identification in the video footage and on the statement of other witnesses.

It has been urged on behalf of petitioner Nos. 2 to 4 that merely because they are the residents of the village



and have shown some sympathy for the slain/Munna Sah, they have been made accused in this case. There is no specific accusation against anyone of petitioner Nos. 2 to 4. It has further been submitted that they are poor persons of the village, who have unnecessarily been made accused in this case.

Some of the other accused persons of this case have been granted the privilege of anticipatory bail by this Court *vide* orders dated 17.12.2021 passed in Cr. Misc. No. 8453 of 2021 and 21.01.2022 passed in Cr. Misc. Nos. 52462 of 2021 and 57521 of 2021 respectively.

The petitioner Nos. 2 to 4 do not have criminal antecedents.

For the reasons afore-stated, the petitioner Nos. 2 to 4, namely, Ramdhani Sah, Jhunna Sah and Mohan Sah @ Brijesh Sah, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional Chief Judicial Magistrate-III, Bettiah,
West Champaran in connection with Bairiya P.S. Case No.
384 of 2019, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

