

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67790 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- MADHWAPUR District- Madhubani

1. Dilip Sah Son of Late Brahamdeo Sah Resident of Village - Basuki Bihari, P.S. Madhwapur, District - Madhubani.
2. Sharvan Pandit Son of Ram Shresth Pandit Resident of Village - Basuki Bihari, P.S. Madhwapur, District - Madhubani.
3. Feku Sah Son of Late Thakai Sah Resident of Village - Basuki Bihari, P.S. Madhwapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s :		Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-05-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Madhwapur P.S. Case No. 45 of 2020 registered for the offence under Section 341, 323, 324, 307, 379, 427, 504 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioners and 50 unknown persons came armed with various deadly weapons and in the leadership of co-accused Vijay Mukhiya Sah, (Ex-Mukhiya), abused Lakshya Deo Mandal and assaulted with Farsa on the head of the informant causing head injury and others also assaulted with Lathi. When Lakshya Deo Mandal



came to rescue him then Vijay Sah pointed the pistol on his chest and took signature on two plain papers forcibly. When Sunil Kumar Mandal came to rescue him then they forcibly took signature on plain paper. On hulla, when the nearby people assembled then on the order of co-accused Vijay Sah, Shyam Kumar Sah (petitioner no. 15) armed with Farsa, co-accused Raj Kumar armed with Garasa, co-accused Feku Sah armed with Farsa, co-accused Bindeshwer Mukhiya armed with Farsa, coaccused Kailash Sah armed with Garasa, co-accused Subodh Sah armed with Tengari, Yugal Sah (petitioner no.6) armed with Bhala, co-accused Ram Sevak Sah armed with Farsa, co-accused Rajesh Sah, Awadh Sah and Shekhar Sah armed with Iron rod assaulted to Akhilesh Kumar Mandal causing head and hand injuries, Dayaban Mandal, Ram Kumar Mandal received head and eye injuries and Surendra Singh received head, leg and finger injuries. When Amit Kumar Singh and Sunil Kumar Mandal came to rescue then accused persons including the petitioners also assaulted with Garasa and Iron rod and also assaulted Lakshya Deo Mandal with Iron rod, Farsa and Lathi. When the villagers came there, accused persons including the petitioners also gave slogan “Jai Bajarangbali” and also attacked on Krishna Nandan Mandal, Ram Chandra Mandal, Badri Das,



Rajendra Das, Surendra Das, Ram Briksh Das and Prem Kumar with Farsa, Garasa Lathi and rod. Accused persons including the petitioners abused to Badri Das, Rajendra Das and Ram Briksh Das by taking their caste name. They also snatched golden chain from the informant, Ram Kumar Mandal and Dayaban Mandal and also damaged Palang and Chair and also looted cash Rs.35,000/- from the shop and also damaged five motorcycles. On 19.05.2020, accused persons including the petitioners also assaulted the informant's brother, namely, Akhilesh Kumar Mandal, for which a case was also lodged. The cause of occurrence is that in the last Panchayat Election, co-accused Vijay Sah was defeated from Lakshya Deo Mandal.

It is submitted on behalf of petitioners that there is general and omnibus allegation against the petitioners and no specific allegation of overt-act against them. There is case and counter case between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. It has further been pointed out that the date of occurrence of the present case is said to be 25.05.2020 but the present case was instituted on 03.06.2020 by the informant of the present case. Delay in instituting the F.I.R. has also not been explained by the



prosecution as to when a case was instituted by Vishnu Sah on 25.05.2020 for the said date of occurrence i.e. on 25.05.2020, which is Annexure-4 to the present application. Petitioners have clean antecedent.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged 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 Judicial Magistrate, 1st Class, Benipatti, Madhubani in connection with Madhwapur P.S. Case No. 45 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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