

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11901 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- NAUTAN District- West Champaran

1. Ramashish @ Ramashish Sah Son Of Late Gudar Sah Resident Of Village- Jasmunia Barai Tola, P.S.- Nautan (Jagdishpur), District- West Champaran
2. Rambha Devi Wife Of Ramashish Sah Resident Of Village- Jasmunia Barai Tola, P.S.- Nautan (Jagdishpur), District- West Champaran
3. Pramila Devi Wife Of Ramesh Sah Resident Of Village- Jasmunia Barai Tola, P.S.- Nautan (Jagdishpur), District- West Champaran
4. Pratima Devi Wife Of Raj Kumar Sah Resident Of Village- Jasmunia Barai Tola, P.S.- Nautan (Jagdishpur), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Nautan P.S. Case No. 398 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 379 and 504 the Indian Penal Code.

As per the FIR, all the accused persons including the petitioners armed with various weapons abused and assaulted with iron rod to the informant due to land dispute. On the order of Ramashish Sah petitioner no. 2, 3 and 4 assaulted



the informant with lathi and Ramashish assaulted on his elbow by means of iron rod.

Learned counsel for the petitioners submitted that petitioners have falsely been implicated in this case. There is case and counter case between the parties and admitted land dispute. It is further submitted that petitioner no. 1 is an order giver and he along with other co-accused assaulted the informant and the injuries were found grievous in nature. It is further submitted that there is general and omnibus allegation against the petitioner nos. 2,3 and 4. Petitioner no. 1 has four criminal antecedent and petitioner nos. 2,3 and 4 have clean antecedent.

I am not inclined to grant privilege of anticipatory bail to the petitioner no. 1 since there is specific overt act against the petitioner no. 1 and the injuries were found grievous in nature. Hence his prayer for bail stands rejected.

Considering this fact that there is no specific overt act attributed against the petitioner nos. 2,3 and 4 as well as submission of the parties, let the above named petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 25,000/- (twenty



five thousand) each with two sureties of the like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in Nautan (Jagdishpur) P.S. Case No. 398 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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