

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17771 of 2023

Arising Out of PS. Case No.-222 Year-2020 Thana- AURAI District- Muzaffarpur

1. RAGHUNATH SAH S/O- LATE SUKHDEV SAH Village- Nayagaon Tola Usri Besi Ps- Aurai Dist- Muzaffarpur
2. Nand Kishor Sah @ Nandkishor son of Mahendra Sah Village- Nayagaon Tola Usri Besi Ps- Aurai Dist- Muzaffarpur
3. Raghvendra Kumar Son of Raghunath Sah Village- Nayagaon Tola Usri Besi Ps- Aurai Dist- Muzaffarpur
4. Dharmender Kumar son of Raghunath Sah Village- Nayagaon Tola Usri Besi Ps- Aurai Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 147, 148, 149, 341, 323, 307, 325,
504, 302 of the IPC.

As per the prosecution case, the F.I.R. named accused
persons including the petitioners armed variously came at the
house of the informant and indiscriminately assaulted her family
members.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have one criminal antecedent.

Learned APP for the State opposed the prayer for bail and has fairly submitted that though there is no specific overt act against the petitioner no.1 but there is specific allegation against the petitioner nos.2, 3 and 4 to have assaulted the husband of the informant and Raj Kumar Sah by means of sword, khanti and tangi and both were declared dead in the hospital.

Having regard to the facts and circumstances of the case, considering the nature of allegation and that there is specific allegation against the petitioner nos.2, 3 and 4, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on behalf of petitioner nos.2, 3 and 4 is hereby rejected.

However, since there is no specific overt act against the petitioner no.1, let him, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Aurai P.S. Case No.222 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This application is partly allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

