

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23747 of 2023

Arising Out of PS. Case No.-414 Year-2021 Thana- DHAKA District- East Champaran

CHULHAI SAH SON OF LATE PARMESHWAR SAH RESIDENT OF
VILLAGE- BARHARWA SIWAN, PS- DHAKA, DISTT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dhaka P.S. Case No. 414 of 2021 registered for the offences punishable under Sections 448, 341, 323, 307, 354(B), 380, 504, 506/34 of the Indian Penal Code.

The accusation is regarding the accused persons named in the FIR having entered the house of the informant, whereafter they had assaulted her and snatched her *Mangalsutra* and ring. It is also alleged that the accused persons had assaulted the elder sister-in-law of the informant in her abdomen and tried to terminate her pregnancy, whereafter the accused persons had also tried to press the neck of the



informant and threatened to kill her husband and her brother-in-law.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not named in the FIR and his name has transpired in the present case subsequently during the course of investigation. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court by an order dated 11.08.2022 passed in Criminal Misc. No. 11534 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that



the petitioner has not been named in the FIR, there is no allegation regarding him having assaulted either the informant or her family members, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dhaka, East Champaran, Motihari in connection with Dhaka P.S. Case No. 414 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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