

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26357 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- KHAIRA District- Saran

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1. BRIJ BIHARI SAH S/o Late Vudh Ram Sah R/o village and P.O.- Mahamda, P.S.- Garkha, District- Saran
 2. NIRAJ KUMAR S/o Brij Bihari Sah R/o village and P.O.- Mahamda, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Prabhakar, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
for the Informant	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 147, 148, 341, 323, 324, 354, 447, 379 and 504 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the five named accused persons including the two petitioners herein entered the house of the informant. Ranjit Sah stated that his sister Babita Devi should be permitted to leave immediately and soon thereafter all the accused persons started to abuse and assault. Ranjit Sah assaulted with a chaku while the other accused persons including two petitioners herein



assaulted the other members of the family causing serious injuries. The father of the informant was taken to the Sadar hospital, Chapra for treatment from where he was referred to Patna. He died in course of treatment.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The daughter of the petitioner no.1 was married to the informant Vikash Sah. It is as a result of differences between the parties over matrimonial dispute that an incorrect allegations has been made in the FIR. The manner of occurrence is other than what has been narrated in the FIR. Coaccused Ranjit Sah has been enlarged on anticipatory bail by this Court. Petitioners are in custody since 1.4.2022 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

Learned counsel for the informant submits that there is direct allegation against the petitioners who along with others forcibly entered into the house of the informant, brutally assaulted the informant and members of his family resulting in serious injuries. It is as a result of assault by these two petitioners that the father of the informant died. So far as grant of bail to Ranjit Sah is concerned, the same is distinguishable



from the case of the petitioners as he is not said to have assaulted the deceased.

Having heard learned counsel for the parties and taking into consideration the nature of allegations in the FIR, the relationship between the parties, the general and omnibus nature of allegation against the petitioner together with the petitioners not having any criminal antecedent and having remained in custody since 1.4.2022, the Court directs the petitioners to be enlarged on bail in connection with Khaira (Nagra O.P.) P.S. Case no. 166 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Chapra.

(Partha Sarthy, J)

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