

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28101 of 2023

Arising Out of PS. Case No.-70 Year-2018 Thana- NAUHATTA District- Saharsa

1. Birendra Sah @ Virendra Sah @ Virendar Sah S/O Jagdish Sah R/O Village- Ketna ghat, P.S- Supaul, Distt.- Supaul.
2. Sulekha Devi W/O Birendra Sah @ Virendra Sah @ Virendar Sah R/O Village- Ketna ghat, P.S- Supaul, Distt.- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Nauhatta P.S. Case No. 70 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 447, 354, 504 of the Indian Penal Code. The have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story on 17.05.2018 at about 09:30 A.M., all the accused persons including these petitioners came at the door of the informant and started hurling abuses. When the informant's side objected to this, accused Shiv Shankar Sah assaulted the nephew of the informant by dabiya and accused Ram Chandra



Sah gave Khanti blow on the left eye of the informant. It is alleged that accused Fogni Devi assaulted daughter-in-law and nephew of the informant by lathi. It is also alleged that Sulekha Devi (petitioner no. 2) assaulted daughter-in-law by lathi on her head and accused Shiv Shankar Sah snatched away gold chain from her neck.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the injuries are simple in nature.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the observations of the learned Sessions Judge recorded in the impugned order saying that the petitioners had been granted benefit of Section 41A Cr.P.C. and that the injuries reported are simple in nature, this Court having noticed that the petitioners have cooperated in course of investigation, directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa in



connection with Nauhatta P.S. Case No. 70 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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