

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41224 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Rekha Devi wife of Jiwachh Sah @ Chhiwachh Sah Village- Bandih Ps- Patori Dist- Samastipur
2. Hare Ram Sah @ Hare Ram Kumar Sah son of Jiwachh Sah @ Chhiwachh Sah Village- Bandih Ps- Patori Dist- Samastipur
3. Jay Ram Sah @ Jay Ram Kumar son of Jiwachh Sah @ Chhiwachh Sah Village- Bandih Ps- Patori Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Heard Mr. Dilip Kumar Roy, learned counsel for the petitioners and Mr. Braj Kishore Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Patori P.S. Case No. 243 of 2022, F.I.R. dated 22.06.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 504, 506, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 21.06.2022 at 09:30 A.M the informant came to her door and saw that accused Jiwachh Sah is cutting Anar tree by a sword and on protest by her all the named accused persons armed with several



weapon started assaulting her and her family members who came to rescue due to which the informant and her family members sustained injured.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act attributed against the petitioners rather the same is attributed against co-accused persons namely Jiwachh Sah, Chulahi Sah, Sikandar Sah, Jitendra Sah and Dharmendra Sah and at best the petitioners are member of the mob and due to land dispute the present occurrence had taken place.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case that there is no accusation of any assault or overt act against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patori P.S. Case No. 243 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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