

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51292 of 2023

Arising Out of PS. Case No.-168 Year-2021 Thana- SALAKHUA District- Saharsa

1. Dinesh Sah S/O Late Sitaram Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa
2. Bado Sah @ Ramesh Sah S/O Late Sitaram Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa
3. Lalan Sah @ Lallan Sah S/O Late Sitaram Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa
4. Mahindra Sah S/O Late Sitaram Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa
5. Dilkhush Sah @ Dilkhush Kumar S/O Dinesh Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa
6. Biren Sah @ Rakesh Sah @ Birin Sah S/O Dinesh Sah R/O Village- Kabira Ps. Salkhua (Chireya Op) And Dist. Saharsa

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Salkhua P.S. Case No. 168/2021 registered for the offences punishable under Sections 341, 323, 307, 379, 34 of the Indian Penal Code and Section 302 I.P.C. was added. Petitioner No. 4 & 5 have no criminal antecedent and petitioner nos. 1, 2, 3 and 6 have one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, It is alleged that a



panchayati was called by Dinesh Sah in which the informant was also present but he left the panchayat because appropriate decision was not passed, as such all the accused persons started beating him by lathi as a result of which he and his son sustained injury.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case on suspicion.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein ten persons have been named in the F.I.R. with a general allegation that they had assaulted the informant (since deceased) by lathi, however the post-mortem report shows two external injuries one of whom is a lacerated wound over left fronto parietal region of scalp and second is bruise over both left and right flank and lacerated wound of left hand little finger which would not support the prosecution story that ten persons had repeatedly assaulted the informant, the co-accused Kailash Sah has been granted privilege of regular bail after noticing the general and omnibus kind of allegations vide Cr. Misc. No. 41645/2022 (Annexure '3') and thereafter two co-accused similarly situated have been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 9830/2022 (Annexure '3'), learned A.P.P. for the State has not drawn any distinction between



the case of the petitioners and the co-accused who have been granted privilege of anticipatory bail, therefore, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saharsa in connection with Salkhua P.S. Case No. 168 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Rajeev Ranjan Prasad, J)

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