

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51190 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- PIPRA District- East Champaran

1. Shivji Sah Son Of Late Mohar Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
2. Shatrughan Sah Son Of Late Mohar Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
3. Ramji Sah Son Of Late Mohar Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
4. Kanhaiya Sah Son Of Late Mohar Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
5. Raja Sah @ Raja Babu Sah Son Of Ramji Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
6. Manish Kumar Son Of Kanhaiya Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
7. Rakesh Kumar Son Of Krishna Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
8. Pushpa Devi Wife Of Kanhaiya Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
9. Sima Devi Wife Of Shatrughan Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
10. Vinita Devi Wife Of Shivji Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran
11. Sunita Devi Wife Of Krishna Sah Resident Of Village- Tiwari Tola, Ps- Pipra, Distt- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, 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 Pipra P.S. Case No. 269 of 2021



registered for the offences punishable under Sections 341, 323, 324, 307, 325, 379, 354(B), 447, 448, 427, 504, 506 & 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while she was at the door of his house, all the accused persons came there and abused her and when she opposed then they assaulted her by Farsa which hit on her head and when her dewar came to rescue her, he was also assaulted with sword on his head.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case due to previous enmity and pattidari disputes.

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 it appears that the Dewar of the informant was assaulted by Tuntun Sah, Kanhaiya Sah, Satrugan Sah and Krishna Sah and he has suffered five injuries on his body, this Court is not inclined to grant privilege of pre-arrest bail to Shatrughan Sah (petitioner no. 2) and Kanhaiya Sah (petitioner no. 4) who are before this Court.



7. The prayer for anticipatory bail of petitioner nos. 2 and 4 is, thus, refused.

8. Since learned counsel for the petitioners submits that petitioners and the informant have now settled their dispute and they have entered into a compromise, in case the petitioner no. 2 and 4 surrender in the court below within a period of four weeks from today and their prayer for regular bail is supported by the informant, in that case their prayer for regular bail shall be considered on the same day keeping in view the statement of the informant.

9. So far as other petitioners are concerned, since there is no specific allegation against them and they have otherwise no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 1, 3, 5, 6, 7, 8, 9, 10 and 11 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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Pipra P.S. Case No. 269 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

10. 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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