

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56611 of 2022

Arising Out of PS. Case No.-416 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

1. Ram Sogarath Sah @ Sogarath Sah @ Ram Swarath Shah Son of Pando Shah Resident of Village- Baghi, Ward No.- 25, P.S.- Begusarai Town(Lohiyanagar), District- Begusarai
2. Ramratan Sah @ Ram Ratan Sah @ Ratan Sah Son of Pando Shah Resident of Village- Baghi, Ward No.- 25, P.S.- Begusarai Town(Lohiyanagar), District- Begusarai
3. Jawahar Kumar @ Javahar Kumar Son of Ramratan Sah @ Ram Ratan Sah @ Ratan Sah Resident of Village- Baghi, Ward No.- 25, P.S.- Begusarai Town(Lohiyanagar), District- Begusarai
4. Sachin Kumar Son of Gandori Sah Resident of Village- Baghi, Ward No.- 25, P.S.- Begusarai Town(Lohiyanagar), District- Begusarai
5. Sonu Kumar Son of Gandori Sah Resident of Village- Baghi, Ward No.- 25, P.S.- Begusarai Town(Lohiyanagar), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-01-2023 Heard Mr. Shashank Shekhar, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP who represents the State.

The petitioners apprehend their arrest in connection with Begusarai Town (Lohiyanagar) P.S. Case No. 416 of 2022 for the offence registered under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that

while he was sitting with his brother, the accused persons armed variously and arrived at his door and after abusing, demanded Rs. 50,000/- (fifty thousand) as extortion amount. Further, co-accused Hareram Sah assaulted the informant on his head while petitioner no. 3 snatched gold chain. The last allegation is that petitioner no. 1 gave '*khanti*' blow to Bipin Sah who however, was able to save himself.

Learned counsel for the petitioners submit that the main allegation is against Hareram Sah of assaulting and giving injuries to the informant. Regarding others, omnibus allegation is there and from the F.I.R., it is clear that although allegation of assault is against petitioner no. 1, Bipin Sah, informant's brother saved himself.

The last submission is that they do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts that the petitioners do not have criminal antecedents, omnibus allegation of assault is/are there against them, the main allegation is against Hareram Sah, this Court is inclined to grant the petitioners anticipatory bail.

In the aforesaid circumstances the petitioners, in the event of arrest or surrender within a period of four weeks from the

date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Lohiyanagar) P.S. Case No. 416 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Shahnawaz/Vats-

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