

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72090 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- ANDHRAMATH District- Madhubani

1. SANTOSH SAH @ SANTOSH SAHU Son of Nathuni Sah R/V- Matahi, P.S- Andhra Math, Dist- Madhubani
2. Nathuni Sah @ Nathuni Sahu Son of Late Achhe lal Sah R/V- Matahi, P.S- Andhra Math, Dist- Madhubani
3. Sajan Devi Wife of Shambhu Prasad Sah R/V- Matahi, P.S- Andhra Math, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 324, 379, 307, 504, 506/34 of the IPC.

As per the prosecution case, petitioner no.2 assaulted the informant by means of iron rod on his arm, petitioner no.3 is said to have abused the informant's side and took gold jewellery from the neck of Dropadi Devi and thereafter assaulted her by means of iron rod.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the alleged occurrence there is case and counter-case between the parties and both sides have sustained injuries. It is further submitted that the alleged occurrence took place on 09.06.2022 but the F.I.R. was lodged on 14.06.2022 i.e. after a delay of five days without giving any plausible explanation, which itself creates doubt about the prosecution case. The injury of Baidhnath Sah was found to be grievous in nature and injury of Dropadi Devi was found simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioners to assault the informant's side and the informant had sustained grievous injury.

Having heard the submissions of the parties and on perusal of the materials available on record, it is evident that there is specific allegation against the petitioner no.2 to assault the informant and he has sustained grievous injury due to the said assault. As such, I am not inclined to enlarge the petitioner



no.2 named above on anticipatory bail. The prayer for bail on his behalf is hereby rejected.

However, considering that there is no specific overt act against the petitioner no.1 coupled with the fact that the injured Dropadi Devi has sustained simple injury which was attributed against petitioner no.3 and also keeping in view that there is case and counter-case between the parties, I am inclined to enlarge petitioner nos.1 and 3 on anticipatory bail.

Accordingly, let the above named petitioner nos.1 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Andhramath P.S. Case No.98 of 2022 (G.R. Case No.981/2022), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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