

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4199 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- MANIHARI District- Katihar

1. Rajnath Sah Son of Sudarshan Sah R/o vill - Mara Line, P.s. - Manihari, Distt. - Katihar
2. Ramu Sah @ Rajkumar @ Ramu Kumar Son of Rajnath Sah R/o vill - Mara Line, P.s. - Manihari, Distt. - Katihar
3. Laxman Sah @ Aman Raj @ Laxman Kumar Son of Rajnath Sah R/o vill - Mara Line, P.s. - Manihari, Distt. - Katihar
4. Raghubir Sah @ Raghubir Kumar Son of Rajnath Sah R/o vill - Mara Line, P.s. - Manihari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends their arrest in connection with Manihari P.S. Case No. 233 of 2023, registered for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. It is alleged that on account of removing the tree from the courtyard of the informant some dispute has arisen, whereupon all the petitioners started abusing and assaulting the



informant and her husband. It is specifically alleged that the petitioner no. 2, Ramu Sah had assaulted the informant and his sister, by means of sickle, on different parts of the body, due to which they sustained serious injury. Further omnibus allegation has been made of assault and snatching of valuables.

4. Learned counsel appearing on behalf of the petitioners submits that the alleged occurrence has taken place on 15.10.2023, however the present FIR has been instituted on 17.10.2023 without assigning any reason for delay. That apart, the premises over which the occurrence has taken place is said to be removing of the tree from the courtyard of the informant. Moreover, the allegation of causing hashua blow over the informant and her sister does not corroborate from the injury report, as injuries have been found to be lacerated and caused by blunt substance, besides being simple in nature. In support of his submissions, the injury report of both the injured have been brought on record by way of annexure P2 and P2/1. He next submits that, in fact, the informant and her family members are engaged in trafficking of illicit liquor and when the petitioners and their family members have opposed their activities, the present FIR has been instituted in order to mount the pressure upon the petitioners. In this regard certain complaints and applications



have also been filed before the higher authorities, intimating them with regard to the involvement of the informant and her family members in trafficking of illicit wine. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or the in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that all the petitioners have actively participated in the crime and there is specific allegation against the petitioner no. 2.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury and fair antecedent of the petitioners apart from the premise in which occurrence has taken place, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 233 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of



the bailors shall be the own/close family members of the
petitioners.

(Harish Kumar, J)

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