

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4958 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Kailash Sah Son of Late Dukhi Sah Resident of Village Basmanpur Agarwa
P.S. Mufassil District East Champaran
 2. Ashok Sah Son of Late Dukhi Sah R/o vill - Basmanpur, Agarwa, P.S. -
Mufassil, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Muffasil Police Station Case No. 40 of 2023,
disclosing offences under Sections 323, 323A, 452, 380,
354(B), 506, 34 of the Indian Penal Code.
3. As per the First Information Report, on the date of
occurrence i.e., on 17.05.2019, while the
complainant/informant was in his shop, suddenly, accused
persons arrived there with weapons and started abusing
the informant. When the informant protested then
petitioner No. 1 instigated the co-accused to commit loot



in his shop and kill him. Upon instigation, all accused persons started assaulting informant with fist and slaps. Petitioner No. 1 assaulted him with lathi on his hand and petitioner No. 1 tied the cloth around the neck of the complainant/informant and when the daughter of the informant intervened, the accused persons assaulted her and petitioner No. 2 torn her cloths with an intention to outrage her modesty.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due village politics. All six family members of the petitioners have been made accused. He further submits that the occurrence has taken place on 17.05.2019 and the complaint was lodged after a delay of four days on 21.05.2019, however, the FIR has been registered under Section 156(3) on 14.01.2023. Learned counsel referred to the injury, produced along with the complaint petition by the complainant and submits that the Doctor has found the bodyache upon the informant and his daughter.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and the entire family members of



the accused persons have been made accused and no apparent serious injuries have been found on the informant and his daughter, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, Kailash Sah, Ashok Sah, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, District East Champaran, in connection with Muffasil Police Station Case No. 40 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

