

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7082 of 2024

Arising Out of PS. Case No.-126 Year-2022 Thana- MEHSI District- East Champaran

1. AJAY SAH S/O- MUNILAL SAH R/O- VILLAGE- HARPURNAG, P.S.- MEHSI, DIST.- EAST CHAMPARAN
2. MUNILAL SAH S/O- CHULHAI SAH R/O- VILLAGE- HARPURNAG, P.S.- MEHSI, DIST.- EAST CHAMPARAN
3. SANGITA DEVI @ SANGITA DEVI W/O- RAJESH SAH R/O- VILLAGE- HARPURNAG, P.S.- MEHSI, DIST.- EAST CHAMPARAN
4. RITA DEVI W/O- MUNILAL SAH R/O- VILLAGE- HARPURNAG, P.S.- MEHSI, DIST.- EAST CHAMPARAN
5. LAKSHMI KUMARI D/O- MUNILAL SAH R/O- VILLAGE- HARPURNAG, P.S.- MEHSI, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this case, the petitioners are apprehending their arrest in connection with Mehshi P.S. Case No. 126 of 2022 registered for the offences under Sections 341, 323, 379, 324, 307, 504, 506, 354(B) and 34 of the Indian Penal Code.

3. As per prosecution case, petitioners and accused who were variously armed, came to the door of informant and calling her witch assaulted her. Accused Rajesh Sah gave a



number of blows to the informant with Hasuli causing injuries on neck, forehead, elbow and nose. Petitioner Nos. 2, 3 and 4 snatched earrings worth Rs. 15,000/-. They also dragged and assaulted the informant calling her witch.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is no specific allegation of assault against the petitioners of any serious nature and allegation of assault by Hasuli is against co-accused Rajesh Sah but the present case is counter blast as the petitioner no. 2 lodged Mehsi P.S. Case No. 125 of 2022 prior to lodging the case of the informant side. The present case is lodged by informant side only to save their skin. Learned counsel further submits that from the rejection order, it appears that no injury report was brought on record. The petitioners have criminal antecedent of two cases.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of specific allegation against the petitioner for causing any injury, let the petitioner above named, in the event of their



arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran/court concerned in connection with Mehsi P.S. Case No. 126 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:-

- (I) One of the bailors will be a close relative of the petitioners.
- (II) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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