

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18373 of 2024

Arising Out of PS. Case No.-541 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

1. PRADIP SAH @ PRADEEP SAH S/O- BHAG NARAYANA SAH R/O- VILLAGE- WARD NO.- 09, PREMNAGAR, P.S.- GARHA (RUNNISAIDPUR), DIST.- SITAMARHI.
2. DILIP SAH S/O- BHAG NARAYANA SAH R/O- VILLAGE- WARD NO.- 09, PREMNAGAR, P.S.- GARHA (RUNNISAIDPUR), DIST.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19815 of 2024

Arising Out of PS. Case No.-541 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

1. Guddi Devi Wife of Pradip Sah @ Pradeep Sah Resident of Ward No. 08, Premnagar, P.S.-Garha, Distt.-Sitamarhi
2. Sandhya Devi Wife of dilip sah Resident of vill.-Ward No. 09, Premnagar, P.S.-Garha (Runnisaidpur), Distt.-Sitamarhi
3. Lalita Kumari D/O Dilip Sah Resident of vill.-Ward No. 09, Premnagar, P.S.-Garha (Runnisaidpur), Distt.-Sitamarhi
4. Manish Kumar Son of Dilip Sah Resident of vill.-Ward No. 09, Premnagar, P.S.-Garha (Runnisaidpur), Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18373 of 2024)

For the Petitioner/s : Mr.Rashmi Jha

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

(In CRIMINAL MISCELLANEOUS No. 19815 of 2024)

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-06-2024

CRIMINAL MISCELLANEOUS No.18373 of 2024



1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 326, 307, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.
4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant with an allegation that Pradip and Dilip had installed shop of fast-food near Durga Puja Pandal on the occasion of Dussehra but the same was objected by the villagers as the Durga Puja Pandal was crowded. Hence, Pradip and Dilip were requested to shift their food stall, on which they started abusing the informant and others.
5. Learned counsel for the petitioners alleged that after sometimes the family members of Pradip and Dilip came and Pradip along with Dilip held the informant while other accused persons namely Deepak, Rohit, Khushi, Guddi, Manish, Anish, Lalita and Sandhya Devi poured



hot oil upon the informant on account of which he became unconscious, even one Pinky Kumari sustained injury. Thereafter, they were taken to the Primary Health Center Runisaidpur by the villagers for treatment. Learned counsel for the petitioners submits that the date of occurrence is 23.10.2023 and the FIR based on fardbyan of the informant came to be instituted on 03.11.2023 i.e., 11 days after the occurrence.

6. Learned counsel for the petitioners submits that the from perusal of the allegation as alleged in the FIR it would manifest that the informant himself alleges that Dilip and Pradip had installed fast-food joint near Durga Puja Pandal which was objected by the informant and other villagers on account of which the alleged occurrence is said to have taken place. It is further submitted that had any occurrence of the nature as alleged had taken place on 23.10.2023 near Durga Puja Pandal then definitely the same would have come to the notice of the villagers and the police which mans the fair, but then from perusal of the FIR it would manifest that the fardbyan of the informant was not recorded in the hospital rather the same came to be instituted 11 days after the occurrence on



farbayan of the informant which cast an aspersion on the case of the prosecution. It is further submitted that had the occurrence as alleged taken place in the manner as alleged then definitely the hospital would have informed the police but since the FIR was instituted 11 days after the occurrence it creates doubt that as to whether the occurrence took place in the manner as alleged or in some other manner and the informant being aggrieved by the conduct of the petitioners that they had installed a fast-food joint implicated them. It is also submitted that the entire family members have been implicated with general and omnibus allegation. It is next submitted that petitioners will not abscond rather will cooperate in the investigation.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that FIR was instituted after a delay of 11 days and the hospital did not inform the doctors about the occurrence which creates an aspersion on the case of the prosecution.



8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Garha (Runnisaidpur) P.S. Case No. 541 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 19815 of 2024

1. Heard learned counsel for the petitioners, learned A.P.P. for the State 'Mr. Rabindra Kumar' and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 326, 307, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and petitioner nos. 1, 2 and 3 are women.
4. Placing reliance on order dated 26.06.2024 in Cr. Misc. No. 18373 of 2024. The petitioners in the event of arrest



of surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Garha (Runnisaidpur) P.S. Case No. 541 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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