

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34764 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- BALIYA District- Begusarai

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1. Suresh Sah Son of Late Ram Ratan Sah R/O Vill.- Dandari, Tetri, P.S.- Dandari, Dist.- Begusarai
 2. Rajiv Sah Son of Late Ram Ratan Sah R/O Vill.- Dandari, Tetri, P.S.- Dandari, Dist.- Begusarai
 3. Vikas Kumar Son of Suresh Sah R/O Vill.- Dandari, Tetri, P.S.- Dandari, Dist.- Begusarai
 4. Amit Kumar Son of Suresh Sah R/O Vill.- Dandari, Tetri, P.S.- Dandari, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Ashok Kumar Jha learned advocate for the petitioner and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Ballia P.S Case No. 49 of 2024 registered for the offence punishable u/s 341, 323, 504, 384, 379, 307, 354/34 of the Indian Penal Code.

3. Allegedly while the informant was in his shop in the meantime all the F.I.R named accused person including the petitioners entered into the shop and threatened to pay a ransom amount of Rs. 5,00,000/-. When the informant protested, co-accused Ayodhya Sah made exhortation, whereupon co-accused Subham Kumar took out his pistol from his waist and assaulted



the informant by means of butt of the pistol. It is further alleged that on *halla* being raised when the family members came to rescue of the informant, they were also assaulted by the accused person. There is further allegation of snatching of valuables against all the accused persons.

4. Learned advocate for the petitioners referring to Paragraph Nos. 11 and 12 of the bail application submits that admittedly there is a long standing dispute between the parties and this fact also fortified for the simple reason that Title Suit No. 511 of 2012 and Title Suit No. 12 of 2022 are pending between them. Further contention has been made that there is a case and counter case being Balia P.S Case No. 49 of 2024 instituted by the co-accused Shumbham Kumar against the informant and others.

5. Referring to the impugned order learned advocate for the petitioner contended that the injury which has allegedly sustained to the informant appears to be simple in nature as the same has not been discussed by the learned court below while rejecting the prayer for bail of the petitioner. It is lastly contended that the petitioners are man of fair antecedent and they undertake that they will fully co-operate during the proceeding of the Court.



6. On the other hand, learned counsel for the State opposed the bail application and submits that all the petitioners have actively participated in the crime.

7. Regard being had to the submission made on behalf of the parties and considering the factum of case and counter case on the premise of long standing enmity between the parties and moreover, there is no specific allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-cum-Special Judge, POCSO, Begusarai in connection with Ballia P.S Case No. 49 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/ close family members of the petitioners.

7. This application stands allowed.

(Harish Kumar, J)

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