

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39930 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Kalawati Devi, Aged about 46 years, Female, Wife of Jaga Sah
 2. Radha Devi, Aged about 28 years, Female, Wife of Chandan Sah
 3. Vikash Sah @ Vikki Sah, Aged about 23 years, Male, Son of Jaga Sah
 4. Jaga Sah, aged about 49 years, Male, Son of Jagarnath Sah
 5. Vijay Sah, aged about 44 years, Male, Son of Jagarnath Sah
 6. Geeta Devi, aged about 40 years, Female, Wife of Vijay Sah
 7. Mina Devi, aged about 48 years, Female, Wife of Shivraj Sah
 8. Chandan Sah, aged about 27 years, Male, Son of Shivraj Sah
 9. Sanjay Sah, aged about 36 years, Male, Son of Jagarnath Sah
 10. Shivraj Sah, aged about 53 years, Male, Son of Late Pundev Sah
All are residents of Village- Bijbani, P.S- Jitna , Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Ajay Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Sanjay Kumar
Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Ghorasahan P.S. Case No. 18 of 2024 registered for the
offence(s) punishable under Sections 147, 148, 323, 324, 354-B,
379, 307, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, on the order



of petitioner no.10, Shivraj Sah, petitioner no.8, Chandan Sah inflicted *Bhala* blow on the informant causing cut injury on the thumb of her leg. Petitioner no.4, Jaga Sah **flogged** her by pulling hair of the informant causing injury in her waist and back and outraged her modesty. Petitioner no.3, Vikash Sah with an intention to commit murder gave *farsa* blow on the head of son of informant, namely, Suraj Kumar who had sustained injury on his head. Petitioner no.6, Geeta Devi assaulted with *Muari*, causing injury. Petitioner no.5, Vijay Sah with an intention to commit murder also gave *farsa* blow on the head of daughter-in-law of the informant and she sustained injury on her cheek and petitioner no.9, Sanjay Sah tore her clothes and petitioner no.7, Meena Devi assaulted her with *lathi*. Co-accused Tapesar Sah with an intention to commit murder gave blow of knife on the nose of husband of the informant, Surendra Sah. Petitioner no.2, Radha Devi assaulted him with iron rod causing injury. Petitioner no.10, Shivraj Sah with an intention to commit murder gave blow of knife on the head of son of the informant who had sustained cut injury. Petitioner no.6, Gita Devi assaulted him with fist. Thereafter, accused persons snatched gold chain from the neck of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that there is case and counter case for the same incidence, which had occurred on 03.01.2024, for which petitioners' side had also lodged FIR being Ghorasahan P.S. Case No.17 of 2024 and subsequently to the FIR lodged by the petitioners' side, the informant lodged the present FIR, which was registered as Ghorasahan P.S. Case No.18 of 2024. He further submitted that the genesis of the enmity is that the petitioner no.7, Mina Devi was declared successful in the election of Ward Member of her Panchayat, whereas, informant lost the election, which led to fierce fight between both the sides and in the self-defence, petitioners may have caused some injury on the persons of the informant and her family members. It is further submitted that petitioners have clean antecedents.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that on the alleged date of incidence, i.e., on 03.01.2024,, both the sides entered into fierce fight and in course of the same, both the sides sustained injuries and petitioners may have caused some injury on the persons of the informant and her family members in their self-defence and also the fact that petitioners have clean antecedent, I am of the



opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarhana at Dhaka or Successor Court, East Champaran in connection with Ghorasahan P.S. Case No. 18 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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