

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40776 of 2024

Arising Out of PS. Case No.-1066 Year-2019 Thana- MADHEPURA District- Madhepura

1. Ashok Kumar Sah @ Ashok Sah, Son Of Late Bhumi Sah Village- Mehasua, Ward No. 13, Ps- Madheprua (BHARAHAI Op) Dist- Madhepura
2. Guddu Sah @ Raushan Sah @ Raushan Raj, Son Of Umesh Sah Village- Mehasua, Ward No. 13, Ps- Madheprua (BHARAHAI Op) Dist- Madhepura
3. Sonu Sah @ Sonu Kumar @ Raja Sah, Son Of Naresh Sah Village- Mehasua, Ward No. 13, Ps- Madheprua (BHARAHAI Op) Dist- Madhepura
4. Banarsi Sah Son Of Late Rambriksh Sah Village- Mehasua, Ward No. 13, Ps- Madheprua (Bharahi OP) Dist- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354(A), 379, 504 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that accused persons including



the petitioners came and on account of dispute relating to land, Nirmal Sah assaulted her by fists and dashed her on the ground and thereafter, Umesh Sah pulled her sari and Naresh Sah stepped her inappropriately, thereafter on alarm her husband and brother in-law came, who were also assaulted by Umesh and Naresh by an iron rod and *khanti* respectively causing injury on their head. It is next alleged that accused also assaulted her nephew Ajay Kumar and Vijay Kumar and Hira Sah assaulted Vijay while Guddu Kumar and Sonu Kumar snatched her chain worth Rs.30,000/-

4. The learned counsel for the petitioners submits that police after threadbare investigation came to a considered conclusion that petitioners are innocent and thus submitted final form (Annexure-2) exonerating the petitioners of the allegation, but then, the learned Magistrate, differing with the police report took cognizance. It is next submitted that when one investigating agency after threadbare investigation has come to a considered conclusion that petitioners are innocent whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same investigation, which found the petitioners innocent.

5. Learned A.P.P. opposes the anticipatory bail



application.

6. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharahi O.P.) P. S. Case No.1066 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

