

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40127 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- GORAUL District- Vaishali

-
1. SAJJAN SAH @ SAJAN SAH S/O LATE BALDEO SAH R/O VILLAGE-ABABKARPUR, P.S- GORAUL (KATHARA O.P), DISTT.- VAISHALI AT HAJIPUR.
 2. RAHUL KUMAR @ RAHUL S/O LATE JITU SAH R/O VILLAGE-ABABKARPUR, P.S- GORAUL (KATHARA O.P), DISTT.- VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sudha, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Amresh Kumar Sinha, Advocate
		Mr. Saroj Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioner, Informant
and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Goraul (Kathara O.P.) P.S. Case No. 01 of 2024 for the offence registered under sections 341, 323, 307, 379, 447, 354, 504, 506 and 34 of the Indian Penal Code lodged on 02.01.2024 by the informant, Samudri Devi.

3. As per the prosecution story, the allegation is that under a conspiracy, the accused persons surrounded the house



and later upon the order of the petitioner no. 1, Biltu Sah assaulted Rajesh Sah, causing injury on his head and he fall on the ground. Further, Mahesh Sah took away Rs. 5,000/- from the shop and the wife of Rahul also snatched the gold chain of Rajesh Sah. Allegation is also against the wife of Jeetu Sah of having assaulted on the private part, the villagers came to rescue thereafter the injured was taken to the hospital. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that a perusal of the F.I.R. would show that allegation mainly is on Biltu Sah, the petitioner no. 1 is alleged to have been the order giver. So far as Rahul is concerned, to exaggerate the F.I.R., the allegation of snatching of the chain is there. Both do not have criminal antecedent.

5. Learned Counsel appearing on behalf of the informant submits that the petitioner no. 1 is an order giver and petitioner no. 2 snatched the chain though he concurs that the allegation of assault is on the Biltu Sah.

6. Considering the aforesaid facts, main allegation is against Biltu Sah, the petitioner no. 1 is an order giver, both do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.



7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 01 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Neha/-

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

