

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57333 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Vyash Sah @ Byash Sah S/O Late Motilal Sah R/O Village- Pakari, P.S- Mohammadpur, Distt.- Gopalganj.
2. Rajesh Sah S/O Late Devi Sah R/O Village- Pakari, P.S- Mohammadpur, Distt.- Gopalganj.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Mahammadpur P.S. Case No. 121 of 2024 registered for the alleged offence under Sections 341, 323, 324, 325, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons, who were armed with *lathi*, *farsa* and *danda* assaulted the informant and his son and thereafter they entered into the house of the informant and assaulted his daughter-in-law and took away ornaments, clothes, documents and cash of Rs. 5,000/- from his house.

04. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case is counterblast of Mahammadpur P.S. Case No. 120 of 2024 lodged by the co-accused Rinku Devi against the informant and his family members. The petitioners have themselves received injuries caused by informant's side. The injury report of the informant shows swelling, pain and bruises and injuries are mostly simple and not grievous. There is general and omnibus allegation against the petitioners and others. One of the injuries of the informant is stated to be grievous but it is fracture in the left hand and it is not a vital part of the body. There is no injury report of the son of the informant and this shows the allegations are completely false and concocted. The allegation of committing theft in the house of the informant has been made to make the case serious. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties and further considering the non-serious nature of injury of the informant and further considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj in connection with Mahammadpur P.S. Case No. 121 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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