

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77500 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- NAUTAN District- West Champaran

1. Chhotelal Sah Son Of Late Haridwar Sah Resident Of Village - Baikunthwa, Ward No.14, P.O. - Khadda Kunjlahi, P.S. - Nautan, District - West Champaran, Bihar
2. Sanjay Sah Son Of Late Haridwar Sah Resident Of Village - Baikunthwa, Ward No.14, P.O. - Khadda Kunjlahi, P.S. - Nautan, District - West Champaran, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Nautan P.S Case No. 71 of 2023 dated 01.03.2023 registered for the offence punishable u/ss 341, 323, 324, 307, 337, 379, 354B, 447, 448, 504, 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, on 01.03.2023 at about 8:00 A.M. the informant along with his uncle Brij



Kishore Patel went at the house of the petitioners to ask about the assault by son of the petitioner no.1 Chhotelal Sah to his brother Ranjan Kumar, whereupon the co-accused Anuj Sah brought sword from his house and made murderous attack upon him due to which he sustained injury on his right cheek near ear and blood started oozing. On his cry, his uncle Jitendra Patel, Rajan Kumar, aunt Lalita Devi came to save him but the petitioners and the co-accused Kundan Kumar Sah started assaulting them with lathi and iron rod and in the meantime, the co-accused Anuj Sah gave sword blow on the hand of Lalita Devi, Ranjan Kumar and Jitendra Patel due to which their hands were cut and his aunt Lalita Devi fell down at the place of occurrence. Thereafter the petitioner no.1 Chhotelal Sah dragged her aunt and Kundan Kumar and took out Rs. 1,000/- from his pocket.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Braj Kishore Patel sustained five injuries out of which injury nos. 1-3 are simple in nature whereas injury nos. 4 and 5 are shows tenderness on middle right arm and



left knee respectively. Satya Prakash sustained three injuries out of which injury nos. 2 and 3 are simple in nature whereas injury no.1 is reserved. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, 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. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah in connection with Nautan P.S Case No. 71 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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