

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10893 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- KALYANPUR District- East Champaran

1. Sohan Sah S/O Nandu Sah R/O Village - Barawa, P.S- Kalyanpur, District- East Champaran (Bihar)
2. Bachcha Sah @ Bachcha Lal Sah S/O Nandu Sah R/O Village - Barawa, P.S- Kalyanpur, District- East Champaran (Bihar)
3. Tuntun Sah S/O Nandu Sah R/O Village - Barawa, P.S- Kalyanpur, District- East Champaran (Bihar)
4. Shambha Devi W/O Sohan Sah R/O Village - Barawa, P.S- Kalyanpur, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 43 of 2024 for the offence under Sections 341, 323, 324, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code, lodged on 11.02.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the informant alleged that the petitioner Sohan Sah inebriated state teased his sister while she was going to the temple and upon protest, outraged her modesty. Further allegation is that upon protest, Baccha Lal Sah and Tuntun Sah assaulted with iron rod on the head/fracture of left hand. This led to the F.I.R.

4. Learned counsel for the petitioners submit that there



is case and counter case, case of the petitioners is earlier one, the Police investigated and two of the accused are in custody and only to implicate, the present F.I.R.

5. Learned counsel for the informant on the other hand has taken this Court to the F.I.R. and the injury report available in the case diary to show that the incised wounds have been found in the left parietal temporal region of the informant's son beside injuries on the other parts of the body.

6. Taking into account the aforesaid facts as also the role of petitioner no.1, Sohan Sah whose action led the entire episode to unfold, in that background, the relief sought for by petitioner no.2 and 3 namely Bachcha Sah @ Bachcha Lal Sah and Tuntun Sah respectively stands rejected.

7. So far as petitioner no.4, Shambha Devi is concerned, she is a lady, no main role has been attributed to her, has no criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail.

8. Let the petitioner no.4, Shambha Devi be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12, East Champaran, Motihari, in connection with



Kalyanpur P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.4, Shambha Devi who shall provide official document to show his/her bona fide;

(ii) the petitioner no.4, Shambha Devi 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 petitioner no.4, Shambha Devi 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 the bail bonds;

(iv) the petitioner no.4, Shambha Devi shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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