

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41528 of 2019**

Arising Out of PS. Case No.-44 Year-2019 Thana- BAUSI District- Purnia

1. MITHILESH KUMAR SAH @ MITHILESH SAH Son of Late Jittan Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
2. Sattan Sah @ Satynarain Sah Son of Dhorai Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
3. Anandi Sah Son of Dhorai Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
4. Kasi Sah Son of Late Narayan Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
5. Pankaj Sah @ Pankaj Kumar Sah Son of Late Narayan Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
6. Lila Devi Wife of Jittan Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
7. Mantu Sah @ Mantu Kumar Sah Son of Kasi Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
8. Bibha Devi Wife of Mithilesh Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
9. Manju Devi alias Sanju Devi @ Sanju Kumari Wife of Mohan Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.
10. Khokha Sah @ Khokha Prasad Sah Son of Late Rajendra Sah Resident of Village - Dargahiganj, P.S.- Baisi, Dist.- Purnea.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

**Appearance :**

|                     |   |                                     |
|---------------------|---|-------------------------------------|
| For the Petitioners | : | Mr. Bijendra Kumar Singh, Advocate. |
| For the State       | : | Mr. Dilip Kumar No. 1, A.P.P.       |
| For the Informant   | : | Dr. Bidhu Ranjan, Advocate.         |

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      08-07-2019                      As prayed for, learned counsel for the petitioners is permitted to make correction in the cause title of this application with regard to the name of the petitioner no.9 within course of



the day.

Let the vakalatnama filed on behalf of the informant be kept on the record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Baisi P.S. Case No.44 of 2019 registered under Sections 147, 341, 323, 308, 504 and 506 of the Indian Penal Code.

The accusation is that 12 persons, named in the F.I.R., including the petitioners having lathi, danda and deadly weapons, came at the mustered field of the informant and started to uproot the same. When the informant made protest, then they started to abuse and cause assault to the informant through lathi, dand, fists and slaps, due to which the informant sustained injury at different parts of his body. When Pratima Devi and Devan Thakur, the wife and son of the informant, rushed to save the informant, then all caused assault to them. In that course, Mohan Lal Sah, caused injury at the head of the wife and son of the informant through iron rod.

Learned counsel for the petitioners submits that regarding the nature of the injury as sustained by the son and the



wife of the informant, the opinion was kept reserved, and the same is attributed to Mohan Lal Sah. While the petitioners are named in the F.I.R. but no specific overt act is attributed to them. Moreover, due to land dispute, the occurrence of “Maar-Peet” took place in between the parties in which the petitioners’ side also sustained injury and the father of the petitioner no.1 died in course of treatment, regarding which Baisi P.S. Case No.45 of 2019 was instituted by Mohan Lal Sah against the informant of the present case and others. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No.44 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

P.S./-

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