

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51649 of 2019**

Arising Out of PS. Case No.-90 Year-2018 Thana- JADIA District- Supaul

1. Manoj Sah @ Manoj Kumar Sah, Son of Narayan Sah @ Ram Narayan @ Ram Narayan Sah Resident of Village- Khute, Police Station- Jadia, District- Supaul
2. Ramanand Sah @ Ramanand Kumar Son of Dalo Sah @ Lakhan @ Lakhan Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul
3. Chandeshwer Sah @ Chandrashekhar Sah Son of Late Gausai Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul
4. Ram Narayan @ Ram Narayan Sah @ Narayan Sah Son of Late Gausai Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul
5. Khushilal Sah Son of Bineshwar Sah @ Bindesgwari Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul
6. Musai Sah Son of Late Bineshwar Sah @ Bindesgwari Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul
7. Jitan Sah Son of Kusum Sah @ Kusumlal Sah Resident of Village-Khute, Police Station- Jadia, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                           |
|--------------------------|---|-----------------------------------------------------------|
| For the Petitioner/s     | : | Mr.Arun                                                   |
| For the Opposite Party/s | : | Mr.Pramod Kumar Pandey                                    |
| For the informant        | : | Mr. Krishna Pd. Singh, Sr. Adv.<br>Mrs. Meena Singh, Adv. |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      19-08-2019                      Heard learned counsel for the petitioners and learned  
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with  
Jadia P.S. Case No.90 of 2018 for the offence punishable under  
Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504, 506  
of the Indian Penal Code.



At the very outset, learned counsel for the petitioners submits that during the pendency of this application petitioner No.4, namely, Ram Narayan @ Ram Narayan Sah @ Narayan Sah and petitioner No.7, namely, Jitan Sah, have been arrested.

Accordingly, his bail application against petitioner No.4 and 7 have become infructuous and the same is dismissed as infructuous.

Insofar as the petitioners No.1, 2, 3, 5 and 6 are concerned, the allegation against them is that they assaulted the informant and his brother by means of lathi, danda, farsa, sword causing serious injury to the informant and his brother.

Learned counsel appearing for the petitioners submits that the petitioners and the informant are co-sharers and there is land dispute between them. Learned counsel further submits that there is case and counter case between the parties inasmuch for the same incident, wife of petitioner No.3 has lodged FIR bearing Jadia P.S. Case No.91 of 2018. Learned counsel further submits that from perusal of the impugned order, it appears that injuries caused to the informant and others are simple in nature.

On the other hand, learned senior counsel, Mr. Krishna Prasad Singh, appearing for the informant vehemently opposes the prayer for anticipatory bail to the petitioners and



submits that the petitioners along with others assaulted the informant on the vital part of body, i.e, head and other part causing grievous injury to the informant. Learned senior counsel placed the injury report from which, it appears that injury caused on the head of the informant is simple in nature, however, the injury caused on Thai of the informant was found grievous by doctor.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are co-sharer and there is land dispute between them and title suit bearing Title Suit No.203 of 2017 and 224 of 2017 are pending against them and further there is case and counter case and injury caused on the vital part of the body is simple in nature except two injuries which are on leg and hand of the informant which are grievous in nature on the non-vital part of the body, as such, I am inclined to grant anticipatory bail to the petitioners No.1, 2, 3, 5 and 6.

Accordingly, the petitioners No.1, 2, 3, 5 and 6, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by



the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vth, Supaul, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

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