

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64375 of 2019**

Arising Out of PS. Case No.-67 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. MAHESHWAR SAH Son of Late Durga Sah Resident of Village - Balathari, P.S.- Kuchaikot, Distt.- Gopalganj.
2. Santosh Sah @ Santosh Shah Son of Maheshwar Sah Resident of Village - Balathari, P.S.- Kuchaikot, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

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

ORAL ORDER

5      06-02-2020                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Kuchaikot P.S. Case No. 67 of 2019, registered under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

The accusation is that in the morning of 02.03.2019, informant, Mintu Kumar Gupta, was present at his door, at that time, his Pattidar Maheshwar Sah (petitioner no. 1), Anjali Kumari and Sarswati Devi came, armed with lathi, and started to abuse. When Kamesh Prasad Sah, father of the informant, made protest, then, Maheshwar Sah started pelting brick due to which father of the informant sustained injury at chest and fell



down. Thereafter, Santosh Sah (petitioner no. 2) also caused assault through fists and slaps. In the meantime, when mother of the informant rushed, then, Sarswati Devi and Anjali Kumari also assaulted through fists and slaps. When villagers rushed there, then, all moved from there. At that time, Santosh Sah (petitioner no. 2) took the cash of Rs.2,000/- from his pocket. Father of the informant was rushed to Primary Health Center, Kuchaikot, from where he was referred to Sadar Hospital, Gopalganj, and from where he was referred to Gorakhpur for treatment.

Submission is that in fact on the day of occurrence due to dispute of the partition of the land, in course of hot exchange of talk, assault took place, in which Kamesh Prasad Sah, father of the informant, sustained injury, but, later on, after one month, died. Further, submission is that in post mortem report only one stitched wound was found on the right knee. Further, submission is that petitioner no. 1 is the own brother and petitioner no. 2 is the nephew of the deceased. After realizing the real fact, the informant has also filed the compromise petition in the Court of the Additional Chief Judicial Magistrate, Gopalganj, for permission to compromise the case on 23.12.2019, which would appear from Annexure 1



to the supplementary affidavit.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Kuchaikot P.S. Case No. 67 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, VII, Gopalganj, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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