

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37309 of 2020**

Arising Out of PS. Case No.-95 Year-2020 Thana- MANJHAGARH District- Gopalganj

SHASHIKANT SAH @ SHASHIKANT KUMAR SON OF LATE LALAN
SAH RESIDENT OF VILLAGE DHAMAPAKAR, P.S.- MANJHAGARH,
DISTRICT- GOPALGANJ.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar
For the Opposite Party/s : Mr. Mohammed Arif

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

ORAL ORDER

2 02-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 19.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Manjhagarh P.S. Case no. 95 of 2020, registered under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that informant Pannalal Sah, in the late evening of 09.05.2020, was present at his door, at that time, his pattidar Niraj Kumar Sah, Shashikant Sah (Petitioner), Lalan Sah, Ruplal Sah and Shreekant Sah armed with Lathi-Danda, Sawal and bamboo stick came there and started fixing



bamboo at his land for the purpose of garbing the land then informant made protest on which Niraj Kumar Sah asked in abusive language and gave iron rod blow at his head due to which he sustained blood oozing injury at his head and when he fell down on the ground then his brother Ramakant Sah sons Nikhil Kumar and Vinay Kumar and daughter Tannu Kumari rushed to save him. Thereafter, Shashikant Sah (Petitioner) gave iron rod blow at the head of Nikhil Kumar, but, Nikhil Kumar caught hold iron rod in his hand and sustained fracture injury in middle finger of left hand. Ruplal Sah caused injury through Lathi to Ramakant Sah at his back and thigh, Lalan Sah caused injury through Lathi to Vinay Kumar at his neck, shoulder and left hand and Shashikant Sah (Petitioner) also gave iron rod blow at the hand of Tannu Kumari in which she sustained blood oozing injury at her left palm.

Learned counsel for the petitioner submits that occurrence of Marpit took place due to land dispute in which petitioner's side also sustained injury regarding which Manjhagarh P.S. Case no. 104 of 2020 was instituted on 18.05.2020, under Sections 341, 323, 324, 504 and 506/34 of the Indian Penal Code on the basis of fardbeyan of co-accused Lalan Sah against the informant of the present case and others. Further submission is that there is specific allegation against the



petitioner to cause injury to Nikhil Kumar and Tannu Kumari. The injuries as found on the person of Tannu Kumar is simple in nature, whereas, two injuries found on the person of Nikhil Kumar i.e. abrasion on left palm 1x1/2"x1/2"skin deep and pain and swelling on right middle finger on x-ray third finger was found fracture. Further submission is that petitioner had also sustained injury at the time of occurrence and he was also admitted in Sadar hospital, Gopalganj, which would appear from Annexure-4 series.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case no. 95 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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