

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5394 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. Sujit Kumar Sah @ Sujeet Kumar Singh, Son of Late Mahajan Sah, Resident of Village - Mahuari, P.s.- Muffasil, Distt.- Siwan.
2. Harkeshwar Sah @ Monu, Son of Late Mahajan Sah, Resident of Village - Mahuari, P.S.- Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Muffasil P.S. Case No. 325 of 2021 registered
for the alleged offences under Sections 341, 323, 324, 307 and
34 of the Indian Penal Code.

As per prosecution case, petitioners and co-accused
Maheshwar Sah, variously armed, entered into the house of the
informant and started assaulting the father of the informant.
They gave a *farsa* blow on the head of the father of the



informant causing grievous injury to him. The occurrence took place in the background of dispute over the ancestral land between the father of the informant and his uncle.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case and the false implication is due to land dispute which is admitted in the F.I.R. The petitioners and informant are agnates and occurrence took place between the parties due to dispute over the land. No motive or reason for the occurrence has been given in the F.I.R. The present case is counter blasts of the case lodged by the petitioners' side against the informant and his men under Sections 341, 323, 324, 307, 452, 354(A) and 380 of the Indian Penal Code. Learned counsel further submits that allegations are mostly general and omnibus. Though, there is specific allegation against the petitioners and the co-accused that they gave *farsa* blow on the head of the deceased but the post-mortem report falsifies it since it shows injuries caused by hard and blunt object and there is no finding regarding any injury being caused by sharp cutting weapon. Charge sheet has been submitted in this case and the petitioners are in custody since 09.09.2021. The petitioners have got no criminal history.

Learned A.P.P. for the State opposes the prayer for



bail of the petitioners submitting that there is specific allegation against the petitioners that they along with other co-accused committed murder of the father of the informant.

Perused the records.

Having regard to the submission made on behalf of the parties and considering the fact that there is contradiction in the F.I.R. and the post-mortem report regarding nature of injury and weapon used and further considering the period of custody of the petitioners along with submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Muffasil P.S. Case No. 325 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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