

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48228 of 2021**

Arising Out of PS. Case No.-19 Year-2021 Thana- BARHARIA District- Siwan

1. SUNIL SAH Son of Late- Sudarshan Sah Resident of Village- Triloka Hata, P.S.- Barharia, District- Siwan.
2. Santosh Sah Son of Late- Sudarshan Sah Resident of Village- Triloka Hata, P.S.- Barharia, District- Siwan.
3. Pankaj Sah @ Pankaj Kumar Son of Sunil Sah Resident of Village- Triloka Hata, P.S.- Barharia, District- Siwan.
4. Pawan Sah @ Pawan Kumar Shah Son of Anil Sah Resident of Village- Triloka Hata, P.S.- Barharia, District- Siwan.
5. Chandan Sah @ Chandan Kumar Son of Birendra Sah Resident of Village- Bankata, P.S.- Phoolwaria, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 06-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Barharia P.S. Case No. 19 of 2021, registered for the offences punishable under Sections 448, 341, 323, 324, 325, 308, 354, 337, 379, 504, 506/34 of the Indian Penal Code.

As per allegation, ten named accused persons including the petitioners were erecting the wall on the land of



the informant, on protest, they badly assaulted him and his family members. The allegation against petitioner No. 1 is that he inflicted rod blow on his head and left hand. When his family members came there petitioner No. 2 assaulted Ranju Devi with knife on her hand. Petitioner No. 3 assaulted Mogal Sah and made him injured and petitioner No. 5 Chandan Sah who has been arrested has also assaulted Singaro Devi and petitioner No. 4 assaulted one Saraswati Devi who sustained injuries on her head.

Learned counsel for the petitioner has submitted that both the parties are agnates. There is land dispute between the parties and proceeding under Section 144 of the Cr.P.C. is also going on over the disputed land. He has also submitted that the defense side has lodged a case against the prosecution side and the members of the petitioners' side have suffered injuries in that case. The present case is counter blast of the case filed on behalf of the defense side which is prior to lodging of the present case. Learned counsel has also submitted that the petitioners are the persons of clean antecedents.

One injury on the person of injured Yogendra Sah was found to be grievous and other injuries are simple in nature.

The learned Addl.P.P., Sri Shailendra Kumar, has also



submitted that injuries on the person of Yogendra Shah are grievous in nature.

As submitted Yogendra Sah has sustained grievous injuries. The author of that injury is petitioner No. 1 Sunil Sah. As such, he does not deserve the privilege for anticipatory bail. Accordingly, his prayer for anticipatory bail is **rejected**.

So far as other petitioners are concerned, let the petitioner Nos. 2 to 4, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on 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., 1st, Siwan in connection with Barharia P.S. Case No. 19 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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