

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66110 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- MURLIGANJ District- Madhepura

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ASHISH SAH @ ASHISH KUMAR S/o Manohar Saha R/o Village -
Chenpur, Dholbazza, P.S. - Rupauli, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and petitioner is the brother-in-law of Ganesh Sah, who is own brother of the deceased.

Learned counsel for the petitioner submits that the informant alleges that on 11.11.2020, at about 2 p.m., her husband, Mahesh Sah was discussing the issue of partition of the property in four parts with his mother but his brother



insisted that the property would be partitioned only in three parts on account of which it is alleged that Ganesh Sah, Binod Sah, Aman Kumar, Khushi Kumari, Anchal Kumari, Kanchan Devi, Munni Devi, Manisha Kumari, Manohar Shah and Ashish Kumar (petitioner) assaulted the informant's husband. It is further alleged that Ganesh Sah and Binod Sah, own brothers of the deceased, assaulted him on his head with an iron rod while the other accused persons assaulted him with *lathi* and *danda* and when the informant went to save her husband, she was also assaulted, further the husband of the informant was declared dead on arrival by the hospital.

Learned counsel for the petitioner submits that admittedly on account of land dispute between the brothers, the present occurrence had taken place and the petitioner being brother-in-law of Ganesh Shah, own brother of deceased, came to be falsely implicated by the informant by alleging that he also assaulted the deceased. It is further submitted that the allegation of assault with regard to the petitioner is general and omnibus in nature.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is



a person with clean antecedent, charge-sheet has been submitted in the case and the allegation of assault is general and omnibus in nature, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Murliganj P.S. Case No. 355 of 2020.

(Satyavrat Verma, J)

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