

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16856 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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1. UDAY SHANKAR SAH @ UDAY SAH Son of Munni Lal Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 2. Umesh Kumar @ Umesh Sah Son of Munni Lal Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 3. Shiv Shankar Sah Son of Munni Lal Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 4. Uma Shankar Sah @ Uma Sah Son of Munni Lal Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 5. Vikram Kumar @ Vikram Sah Son of Uma Shankar Sah @ Uday Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 6. Dharmendra Kumar @ Dharmendra Sah Son of Pachan Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 7. Amrendra Sah Son of Pachan Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar
 8. Rajendra Sah Son of Saguni Sah R/o Dhanhara, ward no. 11, P.S- Shyampur Bhatahan Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-05-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor representing the State.

At the outset, learned Counsel for the petitioners submits that during the pendency of this application, the petitioner no. 7, namely, Amrendra Sah, was arrested and he, accordingly, seeks permission to withdraw this application with



respect to petitioner no. 7 only.

Permission is granted.

This application, so far as petitioner no. 7 is concerned, is dismissed as withdrawn.

This application, for grant of anticipatory bail, arises out of Shyampur Bhutahan Police Station Case No. 121 of 2022, dated 23.06.2022, disclosing offences punishable under Sections 341/323/324/307/504/506/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that while the informant and his brother were returning from Jahajipur after submitting the online application form of B.A., they were accosted by the petitioners and other accused persons, who assaulted them by means of spade, lathi, rod, etc., due to which they sustained injuries.

Learned Counsel for the petitioner nos. 1 to 6 and 8 submits that both the parties are co-sharers and there is land dispute between them pertaining to 03 decimals of land registered in the name of father of petitioner no. 1. He next submits that the present First Information Report has been lodged after a delay of about fifteen days inasmuch as the occurrence has allegedly taken place on 08.06.2022, but the First Information Report has been lodged, based upon the



written report, on 23.06.2022. He next submits that the present First Information Report has been lodged in retaliation to the First Information Report lodged by the petitioner no. 1, bearing Shyampur Bhutahan Police Station Case No. 117 of 2022, in which the informant and others have been made accused, relating to an occurrence, which had taken place on 08.06.2022, itself. He next submits that the injuries caused to the informant and his brother are not serious in nature, as would be evident from the impugned order itself.

Regards being had to the submissions advanced on behalf of petitioner nos. 1 to 6 and 8 and taking into consideration the fact that both the parties are co-sharers, there is case and counter case, there is land dispute between the parties and the injuries sustained by the informant and his brother are not serious in nature, I am inclined to grant the petitioner nos. 1 to 6 and 8 privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner nos. 1 to 6 and 8, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 1st Additional Chief Judicial Magistrate, Sheohar, in connection with Shyampur Bhutahan Police Station Case No. 121 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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