

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48263 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- KUMAR KHAND District- Madhepura

LANKESH KUMAR @ LANKESH KUMAR SAH Son of Ramchandra Sah  
@ Debu Sah R/V- Yaduvapatti, P.S- Kumarkhand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 49905 of 2022**

Arising Out of PS. Case No.-39 Year-2022 Thana- KUMAR KHAND District- Madhepura

HALESHWAR SAH Son of Baldeo Sah @ Basudeo Sah R/V- Yaduapatti,  
P.S- Kumarkhand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 48263 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate  
Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 49905 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate  
Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      17-03-2023                      Heard Mr. Krishna Prasad Singh, learned senior  
counsel appearing on behalf of the petitioners, learned counsel  
appearing on behalf of the informant and Mrs. Pushpa Sinha,  
learned Additional Public Prosecutor appearing for the State.

Learned counsel for the petitioners is permitted to  
remove the defect(s), as pointed out by the office, if any, within



a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 448, 147, 148, 341, 323, 302 of the Indian Penal Code.

Prosecution case in brief is that informant Vishal Kumar gave a written application to SHO Kumarkhand P.S. alleged therein that on 22.01.2022 at about 09:45 P.M., petitioners along with 10 persons came at the door of the informant and started assaulting the father of the informant Lalo Bhagat with intention to kill. On the order of Ramchandra Sah (petitioner), Lankesh Kumar and Haleshwar Sah hit on the head of the Lalo Bhagat by iron-rod, lathi and other persons assaulted the informant and his grandfather Bhuvneshwari Bhagat by lathi-danda. When Lalo Bhagat became unconscious and nearby person came there then they fled away. Lalo Bhagat was taken to PHC Kumarkhand for treatment where doctor referred from there and admitted in Silligudi Hospital for better treatment, but just on arrival doctor declared the death of the Lalo Bhagat.

Learned senior counsel for the petitioners submits that petitioners have clean antecedents and they have falsely been implicated in the present case. He further submits that the allegation against the petitioners as per F.I.R. is that they have



assaulted the deceased with the lathi but the post-mortem report does not support the allegation as alleged in the F.I.R.

Learned counsel appearing for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail application of the petitioner and submit that allegation against the petitioners are that they have assaulted the victim and the victim died during the course of treatment. They further submit that there is sufficient material has come during investigation against the petitioners and the post-mortem report also supports the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioners.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Kumarkhand P.S. Case No. 39 of 2022 pending in the court of learned of Learned Additional Chief Judicial Magsistrate-II, Madhepura.

Prayer is refused.

**(Rajesh Kumar Verma, J)**

Saurabhkrsinha/  
Alok/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

