

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60070 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Suresh Sah Son of Bhajee Sah R/o vill - Kahra ward no. 10, Purushottam Tola, P.S. - Salkhua, Distt. - Saharsa
2. Mantun Sah @ Mantun Kumar @ Ranjay Kumar @ Ranjesh Kumar Son of Mahendra Sah R/o vill - Kahra ward no. 10, Purushottam Tola, P.S. - Salkhua, Distt. - Saharsa
3. Vivek Sah @ Bihari Sah Son of Upendra Sah R/o vill - Kahra ward no. 10, Purushottam Tola, P.S. - Salkhua, Distt. - Saharsa
4. Ashutosh Kumar @ Ashutosh Sah Son of Not Given R/o vill - Kahra ward no. 10, Purushottam Tola, P.S. - Salkhua, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The Petitioners apprehend their arrest in connection with Saharsa Sadar P.S. Case No. 193 of 2023 dated 24.03.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 385, 379, 504, 506 read with Section 34 of Indian Penal Code.
3. Having considered the prayer made by learned counsel in respect of the petitioner no. 1, the prayer of the said petitioner, stands dismissed as withdrawn.

4. The main submissions advanced by learned counsel for petitioners are that in fact, there was a dispute of passage in between the informant's side and the petitioner's side and the informant illegally wanted to occupy the purchased land of petitioner no. 1 and the said land dispute is stated to be the genesis of the alleged occurrence and there is no serious allegation against the petitioner nos. 2 to 4 and an incident of free-fight took place in between both the parties and two persons from petitioners' side also sustained injuries whose injury reports have been filed and on the informant's side three persons sustained simple injuries, though one injured Ramanji Mahto sustained four grievous injuries but petitioner nos. 2 to 4 are not alleged to have assaulted him. It is further submitted by learned counsel for the petitioners that in respect of the place of occurrence, the preventive proceedings under Section 144 and 145 of the Cr.P.C. have run and the same have ended in favour of the petitioners and against the prosecution party.

4. Learned APP for the State has opposed the bail prayer of the petitioners.

5. Considering the above submissions and mainly the nature of allegation appearing against the petitioner nos. 3 and 4, this Court is inclined to accept their bail prayer. Accordingly, let the

petitioner no. 3 and 4 named-above, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with **Saharsa Sadar P.S. Case No. 193 of 2023** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. So far as the prayer of petitioner no. 2 is concerned, against him, there is specific allegation of having assaulted the injured Ramanji Mahto who sustained several grievous injuries as per his injury report, this Court is not inclined to accept his bail prayer. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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