

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75117 of 2022

Arising Out of PS. Case No.-384 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. MITHILESH SAH @ MITHILESH SAH Son of Late Ramji Sah Resident of Village- Kahara, P.S. and District- Saharsa
2. RAJESH SAH Son of Late Ramji Sah Resident of Village- Kahara, P.S. and District- Saharsa
3. ASHRAFI SAH Son of Late Babu Ji Sah Resident of Village- Kahara, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 384 of 2022 registered for the offences punishable under Sections 341, 323, 307, 384, 379, 504 and 506/34 of the Indian Penal Code.

The allegation against petitioners is to assault informant along with other co-accused persons/family members and also to tied *Gamchha* in the neck of informant, pressing his neck with intention to cause his death, where occurrence took



place out of land disputes.

Learned counsel appearing on behalf of petitioners submitted that implication of these petitioners is out of land dispute, as Title Suit No. 219 of 2022 is pending between the parties, which is pending consideration before Court of learned Sub-Judge-1, Saharsa. It is submitted that admittedly this is not a case causing injury where allegation of theft and attempt for murder are appearing imported to aggravate the allegation without having any occasion. While concluding the argument, it is pointed out that petitioners were found involved in one more criminal case, where they are on bail.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case and by taking note of nature of accusation and previous enmities, where injury is admittedly not available, accordingly all above named petitioners, in the event of their arrest or surrender before learned court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa/concerned Court, where the case is pending in connection with Saharsa Sadar P.S. Case No. 384 of



2022, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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