

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78337 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- MAHNAR District- Vaishali

1. SONU KUMAR @ SONU SAH SON OF SRI UMESH SAH RESIDENT OF VILLAGE - MANIKPATTI, P.S. - MAHNAR, DISTRICT - VAISHALI
2. SUMANGAL SAH @ SUMANGAL KUMAR SON OF SRI KUSHESHWAR SAH RESIDENT OF VILLAGE - MANIKPATTI, P.S. - MAHNAR, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s :		Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mahnar P.S. Case No. 110 of 2023 dated 21.04.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504, 506 of the Indian Penal Code.

3. Allegedly, when the informant along with his family members was sitting at the door of his house, in the meantime, all the accused persons, armed with deadly weapons, came to him and started abusing. On protest, they assaulted the informant with *lathi*, *danda*, *fat*, *mukka* and iron rod as a result



of which he received serious injury on his head and when his brother Shyamnandan Sah came there to save him, co-accused Sonu Kumar Sah and Sumangal Sah assaulted him on his head with bamboo and iron rod. Thereafter, all the accused persons indiscriminately assaulted his brother with *lathi*, *danda*, bamboo and after some, blood started oozing from his nose and mouth and he died on spot.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Both the parties are agnates. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that prior to the alleged occurrence, the informant's side had assaulted the petitioner no.1's parents due to which they sustained several injuries and for better treatment, they were referred to P.M.C.H., Patna where their treatment is going on. Thereafter, father of petitioner no.1, namely, Umesh Sah lodged fardbeyan giving rise to Mahnar P.S. Case No. 133 of 2023 against the informant's side. Petitioners have no criminal antecedent as



mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is serious allegation against the petitioners that they along with other accused persons assaulted the informant's brother due to which he died on spot. Hence, they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case as well as nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is case and counter case between the parties.

(Anjani Kumar Sharan, J)

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