

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48083 of 2024

Arising Out of PS. Case No.-1006 Year-2023 Thana- MAJHAULIA District- West
Champaran

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1. Dhan Shyam Sah @ Ghan Shyam Kumar Son of Madan Sah Resident of Vill- Bishambhara, Ward No. 7, P.S.- Majhauria, District- West Champaran.
 2. Radhe Shayam Kumar @ Radhe Shyam Sah Son of Madan Sah Resident of Vill- Bishambhara, Ward No. 7, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Majhauriya P.S. Case No. 1006 of 2023 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the named accused persons armed with *lathi*, *tangi*, sword and *farsa* came at the place of occurrence and started damaging the crops of the



Informant. When he protested for the same, Madan Sah assaulted him by means of *farsa* and Radhe Shyam (petitioner no.2) also assaulted with *lathi*. When his elder brother Umesh Kumar came to rescue, the co-accused Dhan Shyam Sah (petitioner no.1) assaulted with spade twice and he became injured and fell down. When his sister Jyoti Kumari came, Satyam Sah assaulted with iron instrument on her head. Thereafter, his brother came for rescue but he was also assaulted by means of iron rod. When his mother Lalita Devi came to rescue, she was also assaulted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. There is case and counter case between the parties. He further submits that the injuries sustained by the injured Umesh Sah and Ranjan is simple in nature. He again points out that in the alleged occurrence, the petitioners along with their father have also sustained injuries. Thus, both side sustained injury in the alleged occurrence. There is a previous land dispute between the parties. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present application.



5. Learned counsel for the petitioner further submits that the co-accused Madan Sah has already been granted regular bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 18518 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners stating that the nature of offence as alleged against the petitioners is serious in nature. The petitioners are named in the F.I.R. There is specific allegation of assault against both the petitioners. He further submits that the injury report shows that there is repetition of blow. There is specific allegation of assault against both the accused petitioners and, thus, they do not deserve the privilege of grant of anticipatory bail.

7. Considering the entire facts and circumstances of the case as also there being direct and specific allegation of assault against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the prayer for anticipatory bail of the petitioners, above named, is rejected. If the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below on the same day of their surrender in accordance



with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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