

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66452 of 2024**

Arising Out of PS. Case No.-116 Year-2024 Thana- BASOPATTI District- Madhubani

Jiwachh Sah S/O Ramratan Sha Resident of village Mamohan, Ward no 12,  
P.S.Basopatti District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                          |
|--------------------------|---|--------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr.Yogesh Chandra Verma, Sr. Advocate<br>Mr. Bhavesh Kumar Sah, Advocate |
| For the Opposite Party/s | : | Mr.Mithlesh Kumar Khare, APP                                             |
| For the Informant        | : | Mr. Arbind Kumar, Advocate.                                              |

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

ORAL ORDER

3      19-11-2024                      Heard Mr. Yogesh Chandra Verma, learned senior  
counsel assisted by Mr. Bhavesh Kumar Sah, learned counsel  
for the petitioner, learned APP for the State and learned counsel  
for the informant. Perused the case diary.

2. The petitioner seeks bail in Basopatti P.S. case No.  
116 of 2024 instituted for the offences under Sections 143, 341,  
323, 324, 307, 379, 504, 506 of the Indian Penal Code in which  
Section 302 I.P.C. was added later on.

3. Prosecution allegation, in short, is that the accused  
persons, 17 in number, variously armed, came at the house of  
the informant and owing to dispute over drainage, assaulted the  
father of the informant due to which he sustained injury. The



informant and family members came in rescue but were also assaulted by accused persons. Later, the father of the informant succumbed to the injuries on which Section 302 I.P.C. was added.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. General and omnibus allegation has been made against the petitioner. No specific allegation of assault is alleged against the petitioner. Prior to the present case, Basopatti P.S. case No. 114 of 2024 dated 21.06.2024 was lodged by the petitioner's side against the informant side and in retaliation to the same, the present case has been lodged with false and concocted allegation only to harass and humiliate and put pressure on the petitioner. It is alleged that all the 17 accused persons having various arms assaulted the father of the petitioner but only three injuries have been sustained by him. The petitioner is in custody since 29.06.2024 and has no criminal antecedent. Learned counsel submits that the post-mortem report shows three injuries caused by hard and blunt substance which does not corroborate the allegation made in the F.I.R.

5. Learned A.P.P. for the State and learned counsel for



the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that there is allegation of assault against the accused persons including the petitioner and he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and charge-sheet being submitted, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Basopatti P.S. case No. 116 of 2024.

**(Rudra Prakash Mishra, J)**

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