

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65208 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- GHOGHARDIHA District- Madhubani

1. Sushil Kumar Sah @ Sudhil Kumar Sah @ Sunil Sah S/o- Hari Narayan Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani
2. Sujit Kumar Sah @ Sujit Sah Son of Hari Narayan Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani
3. vikash Sah Son of Hari Narayan Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani
4. Hari Narayan Sah Son of Late Bhagwan Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani
5. Sagar Devi Wife of Hari Narayan Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani
6. Priti Gupta Wife of Sujit Sah @ Sujit Kumar Sah Village- Menhi, P.S. Ghoghardiha, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP.
For the Informant	:	Mr. Manoj Kumar Singh, Adv.
		Mr. Saroj Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner no.1, Sushil Kumar Sah @ Sudhil Kumar Sah @ Sunil Sah.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application with



regard to petitioner no.1 is dismissed as withdrawn.

5. The petitioners apprehend their arrest in connection with Ghoghardiha P.S. Case No. 55 of 2024 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 506 & 340/34 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that petitioner nos. 2 and 6 are persons with clean antecedent and petitioner nos. 3, 4 and 5 have one antecedent.

7. Learned counsel for the petitioners submits that on account of dispute relating to land, an altercation had taken place in which both sides have assaulted each other. It is next submitted that Sushil Kumar Sah is alleged to have assaulted the informant by *farsa* causing injury on head who suffered grievous injury. It is next submitted that though Sujit is alleged to have assaulted the father of the informant by *Tengari* on head, but, there is no injury report of the father of the informant is on record and as far as Vikash is concerned, he is alleged to have assaulted by means of an iron rod but whom he has assaulted is not clear. It is also submitted that a Partition Suit Case No. 30 of 2023 is going on in between the side of the petitioner and the informant which is pending adjudication in the Court of learned Sub Judge, Jhanjharpur in which notices have been issued on



the informant. It is thus submitted that on account of dispute relating to property, the present occurrence is alleged to have taken place.

8. Learned APP for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

9. Learned counsel for the informant submits that there is specific allegation against Sujit of assaulting the father of the informant by *Tengari* causing injury on head, further submits that from perusal of the order impugned, it would manifest that the same records at para 29 of the Case Diary, it is recorded that informant and his father in a serious condition were referred to DMCH, on which learned counsel appearing on behalf of the petitioners asserts and submits that there is no injury report of the father of the informant.

10. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4, 5 & 6, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 55 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C..

11. However, the learned trial court before accepting the bail bonds of the petitioner no. 2 shall verify the injury report of the father of the informant and in the event it is found that he received any injury on head either simple or grievous, in that event the present anticipatory bail order shall not be given in favor of Sujit Kumar Sah @ Sujit Sah.

12. Accordingly, the application stands allowed.

(Satyavrat Verma, J)

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