

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1057 of 2024**

Arising Out of PS. Case No.-72 Year-2023 Thana- KISHANPUR District- Supaul

1. Rambilash Sah S/O Gopali Sah R/O Village- Sripur, PS. Kisanpur, Distt. Supaul.
2. Umashankar Sah S/O Satya Narayan Sah R/O Village- Sripur, Ps. Kisanpur, Distt. Supaul.
3. Kari Sah S/O Dhaniklal Sah R/O Village- Sripur, PS. Kisanpur, Distt. Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Jitendra Sinha, Adv.        |
| For the Opposite Party/s | : | Ms. Anita Kumari, APP          |
| For the Informant        | : | Mr. Upendra Pd., Adv.          |
|                          |   | Ms. Veena Kumari Jaiswal, Adv. |

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

5      08-05-2024                      Heard learned counsel for the petitioners and  
  
learned APP for the State as also learned counsel for the  
  
Informant. Perused the case diary.

2. The petitioners seek bail in connection with  
  
Kishanpur P.S. Case No. 72 of 2023 instituted for the  
  
offences under Sections 302, 379/34 of the Indian Penal  
  
Code.

3. The allegation against the accused persons  
  
including the petitioners is of assaulting the the Informant  
  
and his family members by means of *lathi, danda, farsa* and



other weapons. It is alleged that the petitioner no.2/Umashankar Sah assaulted Rekha Devi by means of *lathi* on her hands and legs. The allegation against the petitioner no.3/Kari Sah is of assaulting by means of *lathi* and iron rod upon the Informant. There is no specific allegation against the petitioner no.1/Rambilash Sah except being a member of the mob. It is further alleged that the Informant and other family members were taken to hospital for treatment where the nephew of the Informant/Chandan Kumar was declared dead.

4. Learned counsel for the petitioners submit 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 a land dispute between the parties. There is no specific and direct allegation against the petitioners rather the same is omnibus and general in nature. The specific allegation of assault is against the co-accused Ranjeet Sah and Braham Devi of assaulting Rekha Devi by means of iron rod who was sitting with her child/Chandan Kumar in her lap and he also sustained



grievous injury and died. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner nos. 1 & 2 are languishing in judicial custody since 01.08.2023 whereas petitioner no.3 is in custody since 18.08.2023.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the allegation has been made against the petitioners of assaulting the Informant and his family members by means of different weapons in which the nephew of the Informant succumbed to the injury. The allegation against the petitioners is serious in nature and they do not deserve bail.

6. Considering the entire facts and circumstances of the case and taking into account that there is no specific or direct allegation against the petitioners as also the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the



like amount each to the satisfaction of Court  
below/concerned Court in connection with Kishanpur P.S.  
Case No. 72 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member  
of the family of the petitioners.

(ii) The petitioners shall appear on each and  
every date fixed at the trial. In case of default in such  
appearance on two consecutive dates, the Trial Court will  
have liberty to cancel the bail bonds of the petitioners.

**(Rudra Prakash Mishra, J)**

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