

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3524 of 2025

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

1. Sonu Kumar @ Sonu Sah Son of Umesh Sah Resident of Village- Manikpatti, P.S.- Mahnar, Distt.- Vaishali
2. Sumangal Kumar @ Sumangal Sah Son of Kushesheswar Sah Resident of Village- Manikpatti, P.S.- Mahnar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anuj Kumar, Advocate
For the Opposite Party/s :	Mr. Vinod Shanker Modi, APP
	Mr. Mainsh Kumar, Advocate
	Mr. Janardan Prasad Singh, Advocate
	Mr. Kaushal Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mahnar P.S. Case No. 110 of 2023, dated 21-04-2023, instituted for the offence punishable under Sections 147,148,149, 341,323, 325, 307, 302, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 21-04-2023 at 7:00 PM, while 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 there and started abusing them. On protest, they assaulted



the informant with *lathi*, *danda*, fists, punches, and an iron rod, as a result of which, he received serious injuries on his head. When his brother, Shyamnandan Sah, came there to save him, it is alleged that the petitioners assaulted him on his head with a bamboo stick and an iron rod, causing a head injury. Thereafter, all the accused persons indiscriminately assaulted his brother with *lathi*, *danda*, and bamboo sticks. Blood started oozing from his nose and mouth, and he died on the spot. It is further alleged that when the wife, daughters, and son of the informant reached the spot, they were also assaulted by the accused persons. During the assault, the hand of the informant's wife was fractured. The police took away the dead body of Shyamnandan Sah for postmortem. The injured were taken to P.H.C. Mahnar for treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case. It is submitted that both parties are agnates. It is further submitted that the allegations levelled against the petitioners are vague, omnibus, and general in nature, without assigning any particular role to either petitioner. It is next submitted that from perusal of the postmortem report, annexed as Annexure-3, it is evident that only one external injury was



found on the person of the deceased i.e., a lacerated wound over the right side of the skull vault, measuring 2" x 1" x ½". No other injury was found on the head or any other part of the body. The doctor opined that the said injury was caused by a hard and blunt object, and that the cause of death was haemorrhagic shock due to above mentioned head injury. The allegation of assault does not indicate any repeated blows, indicating that there was no intention to kill the deceased. It is submitted that although both the petitioners are alleged to have assaulted the deceased, the presence of a single head injury casts serious doubt on the version of the prosecution case. It is further submitted that prior to the alleged occurrence, the informant's side had assaulted petitioner no.1's parents, due to which they sustained severe injuries and was referred to P.M.C.H., Patna, for better treatment. Subsequently, the father of petitioner no.1, namely Umesh Sah, lodged a *fardbeyan*, pursuant to which Mahnar P.S. Case No. 133 of 2023 was lodged against the informant's side. The petitioners, having no criminal antecedents, are in judicial custody since 24.10.2024.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail by submitting that specific allegations have been made against both the petitioners



for assaulting the deceased with a bamboo and an iron rod, which caused a head injury that led to his death on the spot.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 110 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

