

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5685 of 2025

Arising Out of PS. Case No.-37 Year-2015 Thana- AANDAR District- Siwan

Umashankar Sah S/O Sheonath Sah @ Shivnath Sah R/O village-Usari
Khurd, P.S- Ander(M.H Nagar), Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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

ORAL ORDER

4 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed by a Co-ordinate Bench of this Court vide order dated 13.10.2015 passed in Cr. Misc. No. 42467 of 2015.

3. The petitioner seeks bail in connection with Andar (MH Nagar) P.S. Case No. 37 of 2015 instituted for the offences under Sections 341, 323, 324, 307, 435, 504, 506, 34 of the Indian Penal Code.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of assaulting the Informant and her sons by means of *Farsa* and spade. It is also



alleged that the accused persons also set on fire the informant's asbestos house.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that a civil land dispute exists between the parties which has led to filing of the present frivolous case. Learned counsel for the petitioner further submits that actually, on the date of occurrence, the informant was disposing of drainage water and waste in front of the petitioner's house which was opposed by the petitioner and his family members and, as a result, she filed a false criminal case against the petitioner and co-accused. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.11.2024 without any rhyme or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The injury report supports the prosecution case. In the occurrence, the informant and her sons sustained severe head injuries at the



hand of the petitioner and other accused persons. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Andar (MH Nagar) P.S. Case No. 37 of 2015.

(Rudra Prakash Mishra, J)

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