

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10658 of 2025

Arising Out of PS. Case No.-487 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Vijay Sah @ Bijay Kumar Sah @ Bijay Sah S/o- Late Jagdish Sah Village- Kahra Block Ward No 24/42, Ps- Saharsa Sadar Dist- Saharsa
2. Kundan Kumar Sah @ Kundan Sah S/o- Late Jagdish Sah Village- Kahra Block Ward No 24/42, Ps- Saharsa Sadar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 487 of 2024 dated 21.05.2024, instituted for the offence punishable under Sections 147, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioner no. 1 is that he assaulted with butt of the gun on the jaw of husband of informant. So far the allegation against petitioner no. 2 is concerned, he assaulted with butt of the gun on the head of Sonu Sah.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is a case and counter case between the parties. The counter case bearing Saharsa Sadar P.S. Case No. 486 of 2024 has been lodged by Arhul Devi, who is relative of the petitioners against husband of the informant and her family members. It is also submitted that informant's side assaulted the petitioners and others in which one Binod Sah had died during the course of treatment. It is next submitted that as per the injury report, two injuries have been received by Pankaj Sah on account of assault by petitioner no. 1 in which injury no. 1 is simple in nature whereas injury no. 2, swelling over right cheek of size 3" x 1/4" is grievous in nature. So far injuries received by Sonu Sah due to assault by petitioner no. 2 is concerned, four injuries have been received him in which injury no. 1, 3 & 4 are simple in nature whereas injury no. 2 is grievous in nature caused by hard and blunt object. It is further stated that similarly situated co-accused persons namely, Ajay Kumar Sah, Roushan Raj, Raj Kishore Kamat have been granted bail *vide* order dated 29.01.2025 passed by this court in Criminal Miscellaneous No. 75010 of 2024. Lastly, it has been submitted that the petitioners are in custody since 19.10.2024,



they have two criminal case each against them and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

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, Saharsa in Saharsa Sadar P.S. Case No. 487 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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