

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10471 of 2025

Arising Out of PS. Case No.-706 Year-2023 Thana- SURSAND District- Sitamarhi

1. Brij Mohan Sah, aged about 52 years, Son of Late Deep Lal @ Diplal Sah
Resident of Village- Matauna, P.S.- Sursand, Distt.- Sitamarhi
2. Shivam Sah @ Shivam Kumar @ Shivam Kumar Sah, aged about 22 years,
S/O Brij Mohan Sah
Resident of Village - Matauna, PS - Sursand, Dist - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP
For the informant	:	Mr. Sumit Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2025 Learned counsel appearing on behalf of the informant has produced injury report and photographs of the injured and the same is directed to be kept on record.

2. Heard Mr. Vikash Kumar Jha, learned counsel appearing on behalf of the petitioners; Mr. Ramesh Chandra learned APP for the State and Mr. Sumit Jha, learned counsel for the informant.

3. The petitioners seek pre-arrest bail in connection with Sursand P.S. Case No. 706 of 2023 registered for the offence(s) punishable under Sections 341, 342, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

4. As per the allegation made in the FIR, the accused



persons named therein including the petitioners assaulted the informant. Specific allegation against petitioner no.1 is that he inflicted blow of sharp edged *dab* on the head of the informant, causing injury and has also choked of the nose and lips of the informant. The other accused had also with a common intention to kill the informant assaulted on different parts of the body including the petitioner no.2 with sharp edged weapon.

5. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties and in the said incidence, the petitioners in their own self-defence may have caused some injury on the person of the informant without any intention. Petitioners have clean antecedents. Similarly situated co-accused Shivam Sah @ Shivam Kumar, son of Biltu Sah has also been granted bail by a co-ordinate Bench of this Court vide order dated 13.09.2024 passed in Cr. Misc. No.59872 of 2024. Petitioners have clean antecedents. On these grounds, petitioners seek to be released on pre-arrest bail.

6. Mr. Sumit Jha, learned counsel has tendered his appearance on behalf of the informant and has submitted that the informant was treated at IGIMS for grievous injury, which was inflicted with a common intention by the petitioners with



sharp edged weapon, causing head injury and choking of the nose and lips, for which the petitioner had to incur huge amount and had also undergone plastic surgery at PMCH. He further submitted that the informant also suffered injury on different part of the bodies. On these grounds, learned counsel submitted that petitioner don't deserve to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having considered the rival submission made on behalf of the parties, as well as, the information contained in the FIR and the evidences collected in course of the investigation, **I find that there is direct allegation against petitioner no.1, who had caused grievous injury to the informant and, as such, I am not inclined to grant pre-arrest bail to the petitioner no.1.**

9. So far as petitioner no.2 is concerned, allegation against him is that he was also possessed with sharp edged weapon and has also assaulted on different parts of the body of the informant however, in view of the fact that one similarly placed co-accused Shivam Sah @ Shivam Kumar, son of Biltu Sah, having the same allegation, has been granted pre-arrest bail by a co-ordinate Bench of this Court, **the petitioner no.2,**



above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sitamarhi in connection with Sursand P.S. Case No. 706 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

11. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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