

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36987 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- MAKER District- Saran

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1. Upendra Sah @ Upendra Kr. Sah S/O Late Dharmnath Sah R/O Village- Anjani Maker, P.S- Maker, Distt.- Saran.
 2. Birendra Sah S/O Late Dharmnath Sah R/O Village- Anjani Maker, P.S- Maker, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners seek regular bail in connection with
Maker P. S. Case No. 193 of 2024 in a case registered for the
offences punishable under Sections 126(2), 115(2), 109, 118,
117(2), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The prosecution case, in brief, is that on 19.07.2024
at night, all the F.I.R. named accused persons, including these
petitioners, came at the door of informant, broke the door and
entered into the house. It is further alleged that thereafter, all the
accused persons brutally assaulted informant and his wife as a
result of which, during course of treatment, wife of informant
died.



4. It is submitted by learned counsel appearing on behalf of the petitioners that both parties are *Gotiyas* and next door neighbors and due to petty dispute over hanging of eave (*Chhaja*), a simple *maar-peet* took place in which both sides sustained injuries. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these petitioners. As per post-mortem report, only one injury was found on the body of deceased, which itself falsifies the entire prosecution case. Petitioners are in custody since 20.07.2024. Charge-sheet has already been submitted.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, the bail application is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 13, Saran at Chapra in connection with Maker P. S. Case No. 193 of 2024.

(Prabhat Kumar Singh, J)

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