

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41916 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Shankar Sahu S/o- Mahendra Sahu Village- Balaha Khon, P.S.- Kuseswar Asthan, District- Darbhanga
 2. Mahendra Sahu S/o- Late Paltan Sahu Village- Balaha Khon, P.S.- Kuseswar Asthan, District- Darbhanga
 3. Umesh Sahu S/o- Late Ram Bahadur Sahu Village- Balaha Khon, P.S.- Kuseswar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Kusheshwar Asthan P.S. Case No. 65 of 2025 for the offence registered under sections 126(2), 127(1), 115(1), 118(1), 109, 74, 352, 351(2) and 3(5) of the B.N.S lodged on 15.03.2025 by the informant, Arjun Sahu.

3. As per the prosecution story, the informant alleged that earlier there was some issue regarding the keeping of liquor by Umesh Sahu in his Cowshed, it was protested. Allegation is that on the fateful day (Holi), the assault took place. Specific allegation is against Umesh Sahu of assaulting his brother Raj Kumar Sahu causing injury on the head. When the informant came to his rescue, Mayaram gave iron rod blow on the hand.



Subsequently, Shankar Sahu injured Pinki Devi and Manju Devi. Allegation of outraging the modesty of the lady is/are is also there. Further allegation is against Umesh Sahu is of damaging his motorcycle. Once the 112 police came, injured were taken to hospital which followed the FIR.

4. Learned Counsel for the petitioner submits that omnibus allegation of assault is against the accused persons. So far as Umesh Sahu is concerned, only stitch wound has been found in the injury report on Raj Kumar Sahu.

5. Learned APP Mr. Jitendra Kumar Singh, for the State, on the other hand has taken this Court to the paragraph 45 of the injury report to show that it has recorded the fracture of *distal humerus* in the case of Raj Kumar Sahu. Further, mild scalp swelling over right parietal bone and frontal bone have also been found.

6. Considering the allegation that has come against Umesh Sahu of not only assaulting the Raj Kumar Sahu but also damaging the motorcycle, no relief can be extended. The anticipatory bail application of petitioner no. 3 namely, Umesh Sahu stands rejected.

7. So far the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu are concerned,



though allegation of assault is there, nothing specific on record regarding the injury on those inflicted, both have no criminal antecedent and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to grant them the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 65 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu shall appear on each



and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 1 namely, Shankar Sahu and petitioner no. 2 namely, Mahendra Sahu shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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