

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35914 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- DERNI BAZAR District- Saran

1. Ashok Kumar Sah S/O Late Shivpujan Sah R/O Vill.- Sutihaar, P.s.- Derhi,
Dist.- Saran.
2. Sanjay Kumar Sah S/O Late Shivpujan Sah R/O Vill.- Sutihaar, P.s.- Derhi,
Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in a case registered for
the offence punishable under Sections 126 (2), 115 (2), 118 (1),
103 (1) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation in the first information report is
against 12 named and 8-10 unknown persons that they came
variously armed to the house of the informant and there is
allegation against few of the accused persons including
petitioner no.2 that they have assaulted the father of the
informant, Arjun Prasad Sah, who, subsequently, succumbed to
the injury received.



4. It is submitted by learned counsel for the petitioners that it would be apparent from the first information report that there are general and omnibus allegation against all the accused persons and the specific allegations are against Jitendra Kumar @ Pintu Sah, Rajesh Kumar Sah and Ramesh Kumar Sah and with regard to petitioner no.2, it is stated that he has assaulted by means of iron Dab at the back of the head of the deceased. It is further submitted that first assault on the head of the deceased was caused by co-accused, Jitendra Kumar and others have also assaulted. It is pointed out that the occurrence is said to have been taken place on 06.03.2025 but the F.I.R. has been lodged on 08.03.2025, after a delay of two days, but no plausible explanation or cogent reason has been assigned for the said delay. There is counter version of this case also. An F.I.R. was filed by the petitioner no.1 on 07.03.2025 of the incident, which had taken place on 06.03.2025, wherein it has been indicated that the deceased of the present case and others have assaulted the father of the petitioner no.1, Shiv Pujan Sah, who also succumbed to the injury received. It is also submitted that the case filed on behalf of the petitioners is of earlier point of time and the father of the petitioner no.1 has also died in the said incident. The petitioners are languishing in custody since



12.04.2025.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances of the case as well as the fact that there is no allegation on petitioner no.1 and the allegation on petitioner no.2 is not fully corroborated by the medical evidence as the injury has been caused from the blunt substance as also the fact that petitioner no.2 is not the person who had initially made assault on the deceased, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Derni P.S. Case No.40 of 2024.

(Soni Shrivastava, J)

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