

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40278 of 2025

Arising Out of PS. Case No.-110 Year-2023 Thana- MAHNAR District- Vaishali

1. Kusheshwar Sah Son of Late Ramvirksha Sah R/o vill - Manikpatti Ps Mahnar District Vaishali
2. Visheshwar Sah Son of Late Ramvirksha Sah R/o vill - Manikpatti Ps Mahnar District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Mohnar Police Station Case No. 110 of 2023, disclosing offences under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504, 506 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 21.04.2023, while the informant, along with his family members, was sitting at the door of his house, all the named accused persons, total fourteen in numbers, along with four to five unknown persons, armed with lathi, danda, bamboo, rod, sword, etc., arrived at the house of the



informant, abused him and when he protested, the accused persons assaulted him with lathi, danda, bamboo, etc. As a result of which he received injury and when the brother of the informant Shyamnandan Sah tried to save him, the co-accused Sonu Kumar Sah and Sumangal Sah assaulted informant's brother upon his head with bamboo and rod due to which he sustained head injury and fell on the ground. Thereafter, all the accused persons assaulted informant's brother with lathi, danda, bamboo, and subsequently he died on the spot.

4. Learned Counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Both the parties are agnates and the dispute had arisen between them over partition of the family property. General and omnibus allegations are levelled against the petitioners. Specific overt act is alleged against Sonu Sah and Suman Sah who assaulted on the head of the deceased. He next submits that police has submitted final form and the learned Magistrate differing from the police report took cognizance under Sections 147, 148, 149, 341, 323, 325, 302, 307, 504, 506 of the IPC.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that



both the parties are agnates, there is a land dispute between the parties and police has submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Mohnar Police Station Case No. 110 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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