

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51119 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- BHAPTIAHI District- Supaul

1. Raj Kumar Sah @ Rajkumar Sha S/o Late Bhola Sha @ Late Bhola Sah R/o village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptai Sarai, District - Supaul.
2. Ram Sagar Sah @ Ram Sagar Sha S/o Late Fhagu Sha @ Late Fhagu Sah R/o Village - Lalgang (Lalganj), Ward no. - 7, P.S. - Bhaptai -Sarai, Dist.- Supaul
3. Shyam Sunder Sha @ Shyam Sunder Sah S/o Late Basanti Sha @ Late Basanti Sah R/o Village - Lalgang (Lalganj), Ward no. - 7, P.S. - Bhaptai -Sarai, Dist.- Supaul
4. Amin Sha @ Amin Sah S/o Late Basanti Sha @ Late Basanti Sah R/o Village - Lalgang (Lalganj), Ward no. - 7, P.S. - Bhaptai -Sarai, Dist.- Supaul
5. Shree Prasad Sha @ Shree Prasad Sah @ Shree Prasad Sha S/o Late Dutan Sha @ Late Dutan Sah R/o Village - Lalgang (Lalganj), Ward no. - 7, P.S. - Bhaptai -Sarai, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 76, 303(2), 109, 351(2), 352 and 3(5) of B.N.S.

3. As per the prosecution case, altogether 19 accused persons including the petitioners are alleged to have come on



the land of the prosecution side, variously armed with lethal weapons. It is further alleged that the co-accused Ranjeet Sha gave farsa blow on the head of Omprakash Sha who fell down and thereafter, all the FIR named accused persons started assaulting Omprakash Sha and others, causing several injuries to them and it has also been alleged that Ram Manohar Sha suffered fracture.

4. Learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegations against all the petitioners and the injuries sustained by the persons of the prosecution side, is not corroborated by the allegations levelled in the FIR. It has been submitted that no fracture or grievous injury was found on the person of the three injured who has been stated to have been assaulted by the petitioners in the FIR. It has been submitted that there is case and counter case for the same occurrence and a title suit is also pending since 2021 between the prosecution side and the petitioners' side. It has lastly been submitted that the Petitioner Nos. 3, 4 and 5 have one criminal case registered against them while Petitioner Nos. 1 and 2 have clean antecedent.

5. The learned A.P.P. for the State has vehemently



opposed the prayer for bail.

6. Considering the aforesaid submissions, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, 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 Bhaptiyahi P.S. Case No. 87 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to



move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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