

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53215 of 2025

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

1. Arun Kumar Sah @ Arun Sha @ Arun Sah Son of Laxman Sah @ Laxman Sha @ Lakshman Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
2. Mangal Sah @ Mangal Sha @ Mangal Kumar Sah @ Gurusharan Sah Son of Raj Kumar Sha @ Raj Kumar Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
3. Jagdish Sah @ Jagdish Sha @ Jagdesh Sha @ Jagdish Kumar Son of Raj Kumar Sha @ Raj Kumar Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
4. Kuldeep Sha @ Kuldeep Sah son of Shri Prasad Sha @ Shri prasad Sah @ Prasad Sha Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
5. Dinesh Prasad Sah @ Dinesh Prasad Sha @ Dinesh Sha @ Dinesh Sah son of Amin Sha @ Amin Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
6. Sanjeet Sah @ Sanjeet Sha @ Sanjit Sha @ Sanjit Kumar Son of Ram Sagar Sha @ Raj Sagar Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
7. Laxman Sah @ Laxman Sha @ Lakshman Sah son of Late Dutun Sha @ Late Dutun Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
8. Sita Devi wife of Raj Kumar Sha @ Raj Kumar Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - Supaul
9. Paro Devi Wife of Amin Sha @ Amin Sah Resident of village - Lalgang (Lalganj), Ward No. 07, Police Station - Bhaptiyahi, District - 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 RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Mr. Arun, learned counsel for the petitioners submits

that during the pendency of the present case, petitioner no. 5,



namely, Dinesh Prasad Sah @ Dinesh Prasad Sha @ Dinesh Sha @ Dinesh Sah, has been arrested and as such, he seeks permission to withdraw the petition with respect to petitioner no. 5, namely, Dinesh Prasad Sah @ Dinesh Prasad Sha @ Dinesh Sha @ Dinesh Sah as having become infructuous.

2. Permission is accorded.

3. Accordingly, the bail petition with respect to petitioner no. 5, namely, Dinesh Prasad Sah @ Dinesh Prasad Sha @ Dinesh Sha @ Dinesh Sah stands dismissed as withdrawn.

4. Heard Mr. Arun, learned counsel for the petitioners and Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

5. The petitioner nos. 1 to 4 and 6 to 9 are apprehending their arrest in connection with Bhaptiyahi P.S. Case No. 87 of 2025, F.I.R. dated 06.04.2025 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 the Bharatiya Nyaya Sanhita, 2023.

6. According to prosecution case, a case was registered against 19 accused persons including the petitioners. It is alleged that on 04.04.2025 at about 5–6 P.M., the accused,



armed with weapons, ploughed the informant's land with a tractor. When the informant and his brothers intervened, co-accused Ranjeet Sha assaulted Omprakash Sha with a *pharsa* on his head, after which all the accused assaulted him with *lathi*. In the course of the incident, Ram Manohar Sha, Ramnath Sha, Vinita Devi, and Rekha Devi were also assaulted. Co-accused Ram Sagar Sha allegedly caused a fracture injury to Ram Manohar Sha by *lathi* blow. It is further alleged that the accused persons disrobed the women and snatched away their ornaments.

7. Learned counsel for the petitioners submits that petitioner nos. 2, 3, 4, 6, 8 and 9 have clean antecedents and petitioner nos. 1, 5 and 7 have one case other than the present one. It appears from the F.I.R. itself that due to admitted land dispute, the present occurrence had taken place and there is case and counter case. Although, the petitioners are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that the specific allegation of assault is attributed against co-accused person, namely, Ranjeet Sha and there is no specific allegation of assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioners.



8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts, some of the petitioners have clean antecedent, there is case and counter case and specific allegation of assault is attributed against co-accused person namely, Rajeet Sha, let the petitioner nos. 1 to 4 and 6 to 9, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Supaul 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 /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner nos. 1 to 4 and 6 to 9 shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be



cancelled by the Court below.

ii. If the petitioner nos. 1 to 4 and 6 to 9 tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1 to 4 and 6 to 9 and in case at any stage it is found that the petitioner nos. 1 to 4 and 6 to 9 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 to 4 and 6 to 9. 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.

(Rajesh Kumar Verma, J)

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