

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70120 of 2024**

Arising Out of PS. Case No.-743 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Rayees Kumar @ Raish Kumar S/o Panchanand Sharma Resident of Village - Santnagar Ward No 18, PS and District- Saharsa
2. Panchanand Sharma S/o Late Mahavir Sharma Resident of Village - Santnagar Ward No 18, PS and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md Harun Quareshi

For the Opposite Party/s : Mr. Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      10-01-2025                      Heard Mr. Md. Harun Quareshi, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Saharsa Sadar P.S. Case No. 743 of 2023, registered for the offences punishable under Sections 341, 342, 323, 324, 307, 302/34 of the Indian Penal Code.

3. Based upon the complaint case which was later on referred to the concerned police station and registered as an FIR, the prosecution alleges that on the fateful day, both the petitioners armed with iron rod and spade came at the informant's land and started making illegal construction. When



the same was protested by one Raman Kumar, the petitioner no. 1 assaulted him by means of spade over his head. It is further alleged that the petitioner no. 2 assaulted Nagmani Devi by means of iron rod due to which she sustained serious head injury. It is further alleged that the said Nagmani Devi died during the course of treatment on 04.08.2023 on account of injury caused by the co-accused persons.

4. Learned Advocate for the petitioners drawing the attention of this Court to the complaint, which is the very basis of the FIR, contended that the alleged occurrence took place on 21.06.2023 but surprisingly the complaint case was filed on 22.09.2023 which was later on sent to the concerned police station and under Section 156(3) Cr.P.C. and accordingly FIR has been instituted on 18.10.2023. Neither the autopsy of said Nagmani Devi was conducted nor there is any material on record which suggests that she has sustained any injury over her head. Referring to Annexure-3 to the bail application it is contended that the doctor has pinioned only fever, headache, cough and vomiting, suspected tuberculosis. It has been clarified by the doctor that there is no evidence of head injury clinically. In fact the deceased died during the course of treatment and only on account of long standing land dispute between the



parties, the present complaint has been instituted. In fact the present case is nothing but a counter blast to Saharsa Sadar P.S. Case No. 405 of 2023 instituted by the mother of the petitioner no. 1 which was registered on 25.06.2023. It is lastly contended that even as per the injury report of the injured Raman, the same is simple in nature caused by hard blunt object.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioners have actively participated in the crime and assaulted the informant and his mother.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the fact that prior to institution of the present case, the FIR has been instituted by the mother of the petitioner no. 1 way back on 25.06.2023 and there is no medical evidence suggesting any injury caused to the mother of the informant, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in



connection with Saharsa Sadar P.S. Case No. 743 of 2023,  
subject to the conditions laid down in Section 438(2) Cr.P.C.  
with the further condition that one of the bailors shall be the  
own/close family members of the petitioners.

**(Harish Kumar, J)**

Anjani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

