

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75010 of 2024

Arising Out of PS. Case No.-487 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Binod Sah @ Binod Kumar Sah Son of Late Jagdish Sah R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.
2. Kundan Sah @ Kundan Kumar Sah Son of Late Jagdish Sah R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.
3. Vijay Kumar @ Vijay Sah @ Vijay Kumar Sah Son of Late Jagdish Sah R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.
4. Ajay Kumar Sah @ Ajay Kumar Son of Vijay Sah R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.
5. Roushan Raj @ Raushan Kumar Son of Vinod Sah R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.
6. Raj Kishore Kamat Son of Late Badri Kamat R/O Vill.- Kahra Block Ward No.24/42, P.S.- Saharsa Sadar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-01-2025 *Vide* order dated 27.11.2024, anticipatory bail application with regard to petitioner nos. 1, 2 and 3 was dismissed as withdrawn.

2. The present application is now confined to petitioner nos. 4, 5 and 6.

3. Heard learned counsel for the petitioner nos. 4, 5 and 6 and learned A.P.P. for the State.

4. The petitioner nos. 4, 5 and 6 apprehends arrest



in connection with Saharsa Sadar P.S. Case No. 487 of 2024 dated 21.05.2024, instituted for the offence punishable under Sections 147, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

5. The prosecution case, in short, is that on the date of occurrence a dispute with regard to land arose between both the sides in which the family members of the informant have been assaulted by the petitioners. The petitioner no. 4, namely, Ajay Kumar Sah assaulted the daughter of the informant by means of iron rod on her hand, petitioner no. 5 assaulted Sagar Kumar with knife and petitioner no. 6 assaulted Lalo Sah with farsa.

6. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. The counter case bearing Saharsa Sadar P.S. Case No. 486 of 2024 has been lodged by Arhul Devi against husband of the informant and her families and others altogether 16 FIR named persons and 3-4 unknown persons on 21.05.2024. The petitioners side also sustained injuries. It is submitted that the allegation against



petitioner no. 4 is of assaulting Khushbu Kumari with iron rod on her hand, who sustained grievous injury. It is also submitted that so far petitioner nos. 5 and 6 are concerned, they assaulted with knife and *farsa* respectively. The doctor has opined that the injury of Lalo Sah was caused by hard and blunt object. Both the injuries of Lalo Sah and Sagar Kumar was caused by hard and blunt substance. It is submitted that injury report do not corroborate the allegation against the petitioners. Lastly, it has been submitted that they have no criminal antecedents.

7. Learned A.P.P. has opposed the prayer for bail of the petitioners.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner no. 4, namely, Ajay Kumar Sah @ Ajay Kumar, petitioner no. 5, namely, Roushan Raj @ Raushan Kumar and petitioner no. 6, namely, Raj Kishore Kamat within a period of six weeks from today, in connection with Saharsa Sadar P.S. Case No. 487 of 2024, they shall be released on anticipatory bail 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 C.J.M., Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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