

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75340 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. Mithilesh Sah @ Mithu Sah Son of Kamleshwari Sah R/O Vill.- Bhulni, Post Chada Badgaon, P.S.- Shahkund, Sajour, Dist.- Bhagalpur
2. Chanchal Sah @ Chanchal Kumar Son of Kamleshwari Sah R/O Vill.- Bhulni, Post Chada Badgaon, P.S.- Shahkund, Sajour, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Adv

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in connection with Shahkund (Sajour) P.S. Case No. 459 of 2023 registered for the offences punishable under Sections 341, 323, 324, 325, 326, 354, 306, 307, 427, 506, 504/34 of the Indian Penal Code.

3. It would appear from the FIR, that there is general and omnibus allegation on all the accused persons of having assaulted with iron rod, Tengari, Dabiya to the informant and to some extent, it is specific with regard to co-accused Kamleshwari Sah, who ordered to kill the informant's family whereupon the accused persons have attacked the informant and



her son and her husband with iron rod , Tangari and Dabiya. With respect to petitioner no. 2, Chanchal Sah, it has been stated that he had given dabiya blow on the head of the informant due to which he became injured and when her son Subodh Kumar came to rescue her then Akhilesh Sah, with intention to kill him, has given iron rod on his head due to which he became injured. It has further been alleged that in the meantime, informant's son Anuj Kumar tried to save his brother Subodh Kumar, who was attacked by petitioner no. 1 Mithlesh Sah with iron rod causing head injury. There is further allegation on petitioner no. 2 that he run towards his home and came with iron Khanti and has given khanti blow on the chest of the informant. All the injured persons were sent to the Primary Health Centre, Shahkund and from there, were referred to Mayaganj Hospital, Bhagalpur, where their treatment was done.

4. Learned counsel for the petitioners submits that there is general and omnibus allegation against all the accused persons having assaulted the informant and his other family members. Learned counsel for the petitioners further submits that it would be evident from the FIR that all the four accused persons have used lathi, danda for assault and there is an ornamental allegation of taking away some cash. It has been



further submitted that there is case and counter case between the parties and the case filed by father of the petitioner Kamleshwari Sah, who is also co-accused of this case, has been brought on record as Annexure-P-2 which is Shahkund (Sajour) P.S. Case No. 460 of 2023 lodged on the same day of the occurrence.

5. It has also been submitted that the petitioners are just the next door neighbours and there is a land dispute between the parties. The order by which some of the co-accused persons of the present case have been granted the privilege of anticipatory bail has also been brought on record by Annexure-4 series from which, it would be evident that co-accused Kamleshwari Sah has been granted anticipatory bail vide order dated 11.03.2024 passed in Cr. Misc. No.16781 of 2024 and co-accused Akhilesh Kumar has also been granted the privilege of anticipatory bail via order dated 19.07.2024 passed in Cr. Misc. No, 27431 of 2024. Besides the aforesaid fact the injury reports of the injured persons have already been annexed to the application as Annexure- 3 series, a perusal of which would show that all the injured persons have received simple injuries.

6. Learned APP for the State opposes the bail application of the petitioners.



7. Considering all the above mentioned facts and circumstances especially the fact that there is case and counter case between the neighbours and similarly situated co-accused persons have already been granted the privilege of anticipatory bail as also the injuries are simple in nature. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Shahkund (Sajor) P.S. Case No. 459 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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