

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78342 of 2025

Arising Out of PS. Case No.-136 Year-2020 Thana- LAUKAHI District- Madhubani

1. Mithilesh Kumar Sah @ Mithilesh Kumar Singh S/O Ram Sharan Shah R/O Village- Mahadeva, PO- Auraha, PS- Laukahi, District- Madhubani
2. Vinod Kumar Shah @ Vinod Kumar Sah@ Binod Kumar Sah S/O Ram Sharan Shah R/O Village- Mahadeva, PO- Auraha, PS- Laukahi, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Nitu Kumari, Advocate Mr. Jitendra Kumar Bharti, Advocate Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-11-2025 Heard Mrs. Nitu Kumari, learned Advocate for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Laukahi P.S. Case No. 136 of 2020, registered for the offences punishable under Sections 143, 341, 323, 325, 307, 379, 448, 354(A), 504, 506 of the Indian Penal Code.

3. While the informant was sitting in his house, in the meanwhile, the petitioners along with other named accused persons and some unknown persons variously armed came there and started abusing. On protest being made, it is specifically alleged that petitioner No. 1 assaulted the informant by means



of *farsa* due to which he sustained head injury and when the father of the informant came to his rescue, he was also assaulted by petitioner no. 2 by means of *khanti* over his head. There are further allegation against other accused persons of causing assault and snatching valuables.

4. Learned Advocate for the petitioners submitted that during the course of investigation, the police has not found the case true under Section 307 of the IPC and submitted charge-sheet only under other allied sections of the IPC. The petitioners were also accorded the privilege of Section 41(1) of the Cr.P.C. and as such delay has occurred. Taking this Court to the injury report, copies of which have been placed on record as Annexure-2 series, it is submitted that the informant and his father have sustained simple nature of injuries. In so far one grievous injury, which is caused upon the brother of the informant, is not attributed to the petitioners. It is also submitted that petitioner No. 1 bears two criminal antecedents, whereas petitioner No.2 has absolutely fair antecedent, however, both the petitioners undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the



corresponding nature of injury clearly suggest the complicity of the petitioners in the crime.

6. Regard being had to the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the petitioners were accorded the privilege of Section 41(1) of the Cr.P.C. coupled with the accusation against the petitioners *qua* the simple nature of injuries, 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 Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani, in connection with Laukahi P.S. Case No. 136 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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