

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77432 of 2025

Arising Out of PS. Case No.-112 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. Shiv Kumar @ Suman Kumar @ Suman Sah S/O Guddu Sah @ Ramesh Sah Resident Of Village- Kharagpur, Ward No. 09, P.S.- Sonbarsa Kachahari, District- Saharsa
2. Aman Sah @ Aman Kumar S/O Anil @ Anil Sah Resident Of Village- Kharagpur, Ward No. 09, P.S.- Sonbarsa Kachahari, District- 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. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-11-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Saharsa Sadar (Sonbarsa Kachahari) P.S. Case No.112 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 447, 354B, 307, 379, 504, 506 of the Indian Penal Code and Section 3/4 of the Bihar Dian Act, 1999.

3. The allegation against the petitioners is of causing assault to the informant and his family members along with other co-accused persons by means of *lathi*, danda and iron rod, due to which four persons sustained serious injury.

4. Learned Advocate for the petitioners contended that



besides the fact that there is general and omnibus nature of allegation of assault against all the accused persons, there is case and counter case, bearing Saharsa Sadar P.S. Case No.112 of 2022 instituted against the informant and others and the same is earlier on point of time. The parties are bickering over a land dispute, is also evident from the pendency of Title Suit No.267 of 2016. Taking note of all these facts, other co-accused persons have been allowed the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No.16031 of 2024 vide order dated 14.03.2024 (Annexure-3). The petitioners have fair antecedent and they undertake that they will fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners have actively participated in the crime and assaulted the informant and others.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and considering the nature of allegation, coupled with the fact that the case of the petitioners is based on parity with those who have been allowed the privilege of anticipatory bail, besides their fair antecedent as well as the case and counter case, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa in connection with Saharsa Sadar (Sonbarsa Kachahari) P.S. Case No.112 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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