

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79017 of 2025

Arising Out of PS. Case No.-258 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

1. Mamta Devi Daughter of Mahadeo Sah @ Mahadeo Sahu Wife of Manoj Sah @ Manoj Sahu, Resident of Village - Pali, Police Station - Ghanshyampur, District - Darbhanga.
2. Maya Devi Daughter of Mahadeo Sah @ Mahadeo Sahu Wife of Baidnath Sahu, Resident of Village - Pali, Police Station - Ghanshyampur, District - Darbhanga.
3. Manoj Sah @ Manoj Sahu Son of Saini Sah Resident of Village - Pali, Police Station - Ghanshyampur, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard Mr. Shailendra Kumar Jha, learned Advocate

for the petitioners and Dr. Indihar Kumari, learned Additional

Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Ghanshyampur P.S. Case No. 258 of 2020, registered for
the offences punishable under Sections 341, 323, 324, 307, 447,
504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of causing
assault to the informant by means of *lathi*, *danda* and spade
along with other accused persons, due to which he sustained
serious injuries. When the family members of the informant



came to his rescue, they were also assaulted by all the accused persons including the petitioners.

4. Learned Advocate for the petitioners submitted that the genesis of the occurrence is the land dispute as is manifest from the pendency of a Partition Suit No. 15 of 2018 and the informant of the present case is defendant in the partition suit. The entire case falls to the ground for the simple reason that police after investigation has not found the case true against the petitioners and as such they have not been sent-up for trial. However, differing with the final report, the learned court below has taken cognizance for the offences alleged in the FIR against the petitioners also. Hence, the present application. The petitioners are persons of fair antecedents and they 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.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that in course of investigation, no materials have been collected against the petitioners leading to not sending them for trial, however, differing with the final report, the learned jurisdictional court has taken cognizance; besides the fair



antecedents, 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 S.D.J.M., Biraul, Darbhanga, in connection with Ghanshyampur P.S. Case No. 258 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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