

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17694 of 2026

Arising Out of PS. Case No.-28 Year-2023 Thana- HARSIDHI District- East Champaran

1. KAILASH SAH S/o- Late Ramdev Sah R/v- Padariya Ps- Harsidhi Dist- East Champaran
2. Kabilash Sah S/o- Late Ramdev Sah R/v- Padariya Ps- Harsidhi Dist- East Champaran
3. Shyam Sundar Kumar @ Santu Kumar S/o- Kabilash Sah R/v- Padariya Ps- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 29-04-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 28 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307 and 504 of the I.P.C.

3. As per the prosecution case, when the informant and others were returning after the measurement of land, the petitioners and co-accused persons formed an unlawful assembly and began abusing the informant. It is alleged that Kabilash Sah (petitioner no. 2) assaulted the informant on his



hand with an iron rod. When Mithun Kumar (son of the informant) arrived, he was also assaulted by Santu Kumar (petitioner no. 3), as a result of which he sustained head injury. It is further alleged that when Arjun Sah (another son of the informant) came to intervene, Kailash Sah (petitioner no. 1) assaulted him on the head with a farsa. It is also alleged that when wife, daughter, and daughter-in-law of the informant came to intervene, they too were assaulted by co-accused Sharmila Devi and Ribha Devi with fists and lathi. On hearing the commotion, nearby people arrived and took all the injured persons to the hospital.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It has further been submitted that Kailash Sah (petitioner no. 1) is alleged to have assaulted the son of the informant, namely Arjun Sah, and the injury sustained by him is simple in nature. The allegation against Kabilash Sah (petitioner no. 2) is that he assaulted the informant on his hand, and the final injury report suggests that the informant sustained only a simple injury. It has also been submitted that Santu Kumar (petitioner no. 3) assaulted another son of the informant, namely Mithun Kumar, and his injury also appears to be simple



in nature. It has further been submitted that the alleged occurrence took place suddenly, without any premeditation to kill. Lastly, it has been submitted that the petitioners have clean criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran, in connection with Harsidhi P.S. Case No. 28 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.)

7. This application stands allowed.

(Praveen Kumar, J)

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