

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30304 of 2026

Arising Out of PS. Case No.-140 Year-2023 Thana- SAHARGHAT District- Madhubani

1. Bechan Sah S/o Shivrindan Sah @ Shivan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
2. Rajendra Sah S/o Late Shivrindan Sah @ Shivan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
3. Mahendra Sah S/o Late Shivrindan Sah @ Shivan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
4. Ram Prasad Sah S/o Late Shivrindan Sah @ Shivan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
5. Anil Sah S/o Bechan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
6. Sushil Sah S/o Bechan Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
7. Abhay Sah S/o Ram Prasad Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
8. Arun Sah S/o Rajendra Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308
9. Pankaj Sah S/o Mahendra Sah R/o Village- Pihwara, Uttra P.S - Saharghat, District - Madhubani, Bihar, Pin - 847308

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kumaresh Singh, Advocate
For the State : Mr. (Dr.) Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-05-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. After some arguments, learned counsel for the
petitioners seek permission to withdraw the anticipatory bail
application with respect to petitioner nos. 1 and 2, namely
Bechan Sah and Rajendra Sah.



3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner nos. 1 and 2, namely Bechan Sah and Rajendra Sah is dismissed as withdrawn. Now this anticipatory bail application survives only for petitioner nos. 3 to 9.

5. In the present case, the petitioners are apprehending their arrest in connection with Saharghat P.S. Case No. 140 of 2023, dated 22.10.2023, registered for the offences punishable under Sections 341, 323, 324, 325, 354B, 307, 379, 504 and 506 read with Section 34 of the Indian Penal Code.

6. As per prosecution case, the petitioners armed with iron-rod, *khanti* and *danda* etc., assaulted the father of the informant and also assaulted other family members of the informant and neighbour of the informant. The co-accused persons also cut some trees from the land of the informant.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegations levelled against the petitioners are general and omnibus without any overt act attributed against any of the petitioners. The present case is the counter blast of Saharghat P.S. Case No. 132 of 2023, registered under Sections 341, 323, 324, 307, 379, 354B, 504 and 506 read with Section



34 of the Indian Penal Code, lodged by the wife of the petitioner no. 4, namely Ram Prasad Sah, for the occurrence which took place on 30.09.2023 and in order to create defence, the informant has instituted the present case after a delay of 21 days without any satisfactory explanation. A number of persons from the petitioners' side have also received injuries in the hands of persons of the informant's side and the injuries are unexplained. The occurrence took place in the background of land dispute and a Land Dispute Resolution Case Partition No. 01 of 2018-19 was filed by the petitioners and towards order in the said case, the lands of the petitioners' and informant's side were demarcated and the petitioner's side put a pillar in the said land which was not liked by the other side, who attacked the petitioners and beat them and thereafter, filed this false case as an afterthought only to punish the petitioners. Learned counsel further submits that petitioners are illiterate persons and daily wage earners who work outside the State of Bihar. Their *pairvikar* did not inform about the order dated 18.12.2023 and when they came to know about the apprehension on coming to their native village, they again filed an anticipatory bail application vide A.B.P. No. 442 of 2026 before the learned Sessions Court which was rejected. Learned counsel again



reiterates that there is no explanation as to why there was delay in filing of the FIR by the informant. Learned counsel lastly submits that petitioners are having clean antecedents.

8. Learned APP opposes the submissions made on behalf of the petitioners.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non specific and non-serious nature of allegation against the petitioners and further considering the possibility of false implication in the background of earlier lodged case of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with **Saharghat P.S. Case No. 140 of 2023**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and



*every date fixed by the Court below, if so required by the
learned trial Court.*

(Arun Kumar Jha, J)

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