

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82930 of 2025**

Arising Out of PS. Case No.-225 Year-2023 Thana- CHHATAPUR District- Supaul

- 
1. Jagarnath Sah S/O Late Lakshman Sah Resident of Village- Bhatabari, Ward No 05, Post office- Chhatapur, Police Station- Chhatapur, District- Supaul, Bihar
  2. Shivnath Sah S/O Late Lakshman Sah Resident of Village- Bhatabari, Ward No 05, Post office- Chhatapur, Police Station- Chhatapur, District- Supaul, Bihar
- ... .. Petitioners

Versus

1. The State of Bihar Patna
  2. Baijnath Sah S/O Late Lakshman Sah Resident of Village- Bhatabari, Ward No 05, Post office- Chhatapur, Police Station- Chhatapur, District- Supaul, Bihar
- ... .. Opposite Parties

---

**Appearance :**

For the Petitioners : Mr. Arvind Kumar Singh, Advocate  
For the Opposite Party-State: Mr. Nitya Nand Tiwary, APP

---

**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
CAV ORDER

3      08-05-2026                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.      The present application has been filed seeking quashing the impugned order dated 21.07.2025 passed by the learned Additional District and Sessions Judge, Supaul, in Sessions Trial No. 216 of 2025, rejecting the petition of the petitioners filed under the provisions of Section 250 of the BNSS for discharge of the petitioners, who are accused in Chhatapur P.S. Case No. 225 of 2023, dated 01.07.2023, for the offences under Sections 341, 323, 324, 325, 354B, 308, 379, 504, 506, 34 of the Indian Penal Code and later on Sections 302



and 313 IPC came to be added.

3. As per prosecution case, allegedly, on 28.06.2023, at about 08:00 AM, while the informant was sitting at his door-steps, the petitioners along with three named accused and some unknown anti-social elements forming an unlawful assembly and variously armed with lethal weapons, came there and threatened him to leave the place, also to leave behind his house and land etc. else his whole family will be eliminated. When the informant resisted by saying that the partition has already taken place with the indulgence of people of the society and where would they go, then co-accused, Brahmdeo Kumar Gupta, exhorted abusively to kill to usurp his share of property, upon which the petitioners and the named co-accused persons twisted his arms and other co-accused, namely, Manju Devi and Sobha Devi, wrapped their sarees around his neck and started pulling it with an intent to kill him. Upon hearing *hulla*, when the wife, daughter and son of the informant came to his rescue, they were also assaulted by means of rod. It is further alleged that the informant received grievous injury on his head, hand and shoulder by the blow inflicted by means of iron rod by petitioner No.2 Shivrath Sah. It is also alleged that petitioner No.1 Jagannath Sah, took away Rs. Twelve lacs from his house,



which was the sale proceed of the land. Thereafter, police was informed and they were under treatment in a hospital.

4. Learned counsel for the petitioners has submitted that the allegation levelled against the petitioners are false, fabricated and concocted one and the petitioners have been implicated in this case due to land dispute. It has been further submitted that both the petitioners and the informant are agnates and there was an altercation between the informant and the accused persons and both sides filed case and counter case against each other and it has been further submitted that there are no cogent material available against the petitioners to frame the charge.

5. Heard learned counsel for the parties and perused the record.

6. There are specific allegation against the petitioners to have caught hold the informant. There are also allegation that wife, daughter and the son of the informant were also abused and assaulted when they came to rescue the informant. There is specific allegation against petitioner no. 2 to have assaulted the informant by means of iron rod on his head. There are also allegation that the petitioners and co-accused persons also took away Rs. 12 lakh from the house of the informant and also



assaulted the daughter of the informant by pulling her on the ground. There are allegation that petitioners and co-accused persons have caught hold the deceased daughter of the informant, who was carrying pregnancy of eight months and the petitioners and co-accused persons assaulted her and locked her inside the room. The cases relates to murder of a lady, who was carrying pregnancy, and the allegation with respect to offence under Sections 341, 323, 324, 325, 354B, 308, 379, 504, 506, 34 of the Indian Penal Code and subsequently Sections 302 and 313 IPC also came to be added. After investigation, the petitioners were charge-sheeted and cognizance was taken against them. The petitioner are alleged to have actively participated in the occurrence and there appears to be enough and sufficient ground for proceeding against the petitioners and there are enough materials to frame charge against them.

7. In view of the aforementioned the facts and circumstances of the case, this application is devoid of merit and is accordingly dismissed.

**(Praveen Kumar, J)**

Pawan/-

|                          |             |
|--------------------------|-------------|
| <b>AFR/NAFR</b>          | NAFR        |
| <b>CAV DATE</b>          | 07.04.2026  |
| <b>Uploading Date</b>    | 08.05.2026. |
| <b>Transmission Date</b> | 08.05.2026. |

