

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61306 of 2024

Arising Out of PS. Case No.-121 Year-2023 Thana- BEERPUR District- Begusarai

1. Manoj Sah Son of Late Ramdeo Sah Resident of Village - Muzaffara, P.S. - Birpur, District - Begusarai
2. Pradeep Sah Son of Late Ramdeo Sah Resident of Village - Muzaffara, P.S. - Birpur, District - Begusarai
3. Sonu Sah @ Sonu Kumar Sah Son of Pradeep Sah Resident of Village - Muzaffara, P.S. - Birpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarkeshwar Prasad Verma, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 341 , 323 , 308 , 379, 504 and 506 of the Indian Penal Code .

3 . As per prosecution case , on the alleged date and time of occurrence , on the order of co-accused Sujit Kumar, these petitioners, along with other co-accused persons started assaulting the informant and his son Gautam Kumar with lathi-rod and khanti with the intention to kill them. It is next alleged that co-accused, Sujit, assaulted the informant's son with khanti



on his head, causing injury to him. Petitioner No. 1 Manoj Sah, assaulted informant with lathi on his head, but the same hit on his hand, and he got a severe injury and fell on the ground. Thereafter, these petitioners assaulted informant with lathi, rod, and khanti. When the son of informant Gaurav Kumar and his wife came to save them, then these petitioners brutally assaulted them with lathi, rod, and khanti. It is further alleged that co-accused Jaymala Devi, snatched mangalsutra from the neck of the informant's wife . Petitioner no. 3 took out Rs. two thousand from the pocket of the informant.

4. It is submitted on behalf of these petitioners that both parties are agnates and dispute arose between them over partition of land for which a simple occurrence of maarpeet took place between them. Case and counter case . Allegation of assault is general and omnibus against these petitioners.

5 . Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that there is specific accusation of assault against these petitioners and injuries allegedly caused by Petitioner No. 1 have been opined to be grievous in nature .

6. Considering the aforesaid facts and circumstances and nature of injury sustained by informant the prayer for grant



of anticipatory bail to Petitioner No. 1 is rejected.

7. Considering the fact that there is general and omnibus allegation of assault against petitioner Nos. 2 and 3 , in the event of arrest or surrender within six weeks from today, let the petitioner Nos. 2 and 3 , as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Begusarai in connection with Birpur P.S. Case No. 121 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

8 . With the aforesaid observations and directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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