

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2708 of 2025

Arising Out of PS. Case No.-599 Year-2024 Thana- BIDUPUR District- Vaishali

1. Dashrath Kumar @ Dashrath Sah S/O Dasai Sah Resident of village - Shitalpur Kamalpur, P.S.- Bidupur, Dist.- Vaishali.
2. Annu Devi W/O Dashrath Kumar Resident of village - Shitalpur Kamalpur, P.S.- Bidupur, Dist.- Vaishali.
3. Gita Devi W/O Dasai Sah Resident of village - Shitalpur Kamalpur, P.S.- Bidupur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 115(2), 126(2), 109, 352, 351(2), 351(3), 3(5), 103 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons including these petitioners came to the house of the informant and abused informant's father and also assaulted him with bricks and stones causing him head injuries. Victim was treated in the Hospital but he died during course of treatment.

4. It is submitted on behalf of the petitioners that parties are agnate and due to land dispute, occurrence of marpit



took place between the parties. Allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. F.I.R. has been lodged after delay of 10 days without any explanation which renders the entire prosecution case doubtful. Post mortem report also does not support the prosecution case. Petitioners claim clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned 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 Chief Judicial Magistrate, Vaishali at Hajipur in Bidupur Police Station Case No. 599/2024, subject to the conditions laid down under section 482 the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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