

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4880 of 2025

Arising Out of PS. Case No.-444 Year-2024 Thana- PURNEA SADAR District- Purnia

1. Shambhu Hari, Male, aged about 26 years, S/O Late Sanichar Hari @ Late Shanichar Hari, Residents of Jafri Bagh, Purnea City, PS- Sadar, District- Purnea
2. Radha Devi @ Radhiya Devi, Female, aged about 44 years, Wife of Puran Hari @ Puran Gupta, Residents of Jafri Bagh, Purnea City, PS- Sadar, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Md Fazle Karim, Advocate
For the Opposite Party	:	Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Sadar P.S. Case No. 444 of 2024 dated 09.08.2024 registered for the offences punishable under Sections 191(2), 126(2), 115(2), 118(1) and 109 of the Bhartiya Nyaya Sanhita, 2023. Later on, Section 103(1) of BNS was also added in the present case as the informant's son died during the course of treatment.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have assaulted Suraj Rajak the



son of the informant. The co-accused Sunny Hari caught hold of the informant's son and the co-accused Deepak Hari stabbed knife in his stomach, due to which, he fell down on the earth and sustained severe injury. On being opposed, all the accused persons started assaulting the informant and his family members and on hulla, the villagers came and saved their lives and somehow took Suraj Rajak to Sadar Hospital, Purnia, and from there he was referred to Bhagalpur and due to critical condition he died on the way.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case due to village politics. It is further submitted that the petitioners have no concern with the alleged offence. It is further submitted that in fact, the deceased was the friend of Deepak Hari and on the fateful day, the deceased was called by Deepak Hari outside his house. It is further submitted that the deceased was heavy alcoholic and used to carry weapon with him and the real fact is that he fell down in abbreviated state and the knife in his waist pierced in his stomach. The informant and his family members have got no injury and it shows the falsity of the case. There is no specific allegation against the petitioners in the F.I.R. The petitioners have been



made accused in the present case merely because they are family members of Deepak Hari and Shanni Hari. There is general and omnibus allegation against the petitioners. There is specific allegation against the co-accused Deepak Hari who stabbed knife in the stomach of the informant's son. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 23.11.2024.

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

6. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioners as well as the period of custody, the petitioners abovenamed, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Sadar P.S. Case No. 444 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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