

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7136 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- MORKAHI District- Khagaria

1. Ram Ratan Sada S/O Ramkhelawan Sada Resident Of Village- Chatar, Kargil Narayan, P.S- Alauli, Distt.- Khagaria.
2. Nitish Sada S/O Sattan Sada Resident Of Village- Chatar, Kargil Narayan, P.S- Alauli, Distt.- Khagaria.
3. Barati Sada @ Dharamveer Sada @ Dharmveer Kumar S/O Kailu Sada Resident Of Village- Chatar, Kargil Narayan, P.S- Alauli, Distt.- Khagaria.
4. Sanoj Sada S/O Ramvadan Sada Resident Of Village- Chatar, Kargil Narayan, P.S- Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-02-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the informant and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Morkahi P.S. Case No. 108 of 2024, lodged on 29.07.2024, under Sections 126(2), 115(2), 109, 303(2), 3(5) of B.N.S. Act and under Section 27 of the Arms Act.

3. As per the prosecution, the informant has alleged



that on his *Jalkar* seven named accused persons including the present petitioners reached there and started hunting fish and when the informant had started hunting fish upon restraining the petitioners, they assaulted and badly beaten the informant side.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the petitioners are the agnates and they are not stranger. Counsel further submits that they are also entitled to hunt the fish being agnate. He further submits that there are seven accused persons but out of seven, allegation of assault is only against Dinesh Sada, Manoj Sada and Sattan Sada and only two persons have sustained injury. Counsel submits that antecedent of the petitioners are clean and they are ready to fulfill all the conditions whatsoever shall be imposed. Counsel further submits that the said FIR has been lodged with delay of three days as the occurrence had taken place on 26.07.2024 but the present FIR has been lodged on 29.07.2024. Counsel further submits that for the same date and place of occurrence there is case and counter case. The petitioners' side has also filed Morkahi P.S. Case No.107 of 2024.

5. Learned Counsel for the Informant opposes the



prayer for bail and submits that it is the petitioners who reached on the pond of the informant and started hunting the fish due to which this dispute has arisen and they have brutally assaulted the informant side. Counsel submits that specific allegation of assault is against co-accused Dinesh Sada, Manoj Sada and Sattan Sada.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it transpires that there is case and counter case.

7. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of ACJM-I, Khagaria, in connection with Morkahi P.S. Case No.108 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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