

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6935 of 2025

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

1. Sattan Sada S/O Ramkhelawan Sada R/O Village- Chatar, Kargil Narayana, P.S.- Alauli, Distt.- Khagaria
2. Dinesh Sada S/O Rambadan Sada R/O Village- Chatar, Kargil Narayana, P.S.- Alauli, Distt.- Khagaria
3. Manoj Sada S/O Rambadan Sada R/O Village- Chatar, Kargil Narayana, 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. Ramchandra Sahni, 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 and started hunting fish and when the informant had started hunting fish upon restraining the petitioners, they had assaulted and badly beaten the informant side.

4. Learned Counsel for the petitioners 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 including the petitioners named in the FIR and there is general and omnibus allegation against all the accused persons 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 upon them. 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 the petitioners, namely, 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. In the light of the allegations made and the injuries, which is attached, this Court finds that there are two injuries which are grievous in nature.

8. Considering the fact that there are direct allegation of assault against the petitioners, hence, anticipatory bail application of petitioners is hereby rejected. However, in the event of surrender of the petitioners within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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