

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22463 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- Bajitpur District- Darbhanga

1. Nagina Sah @ Nagin Sah @ Nagina Shah S/O Late Mahbub Sah R/o - Pachhwari Tole, Bajitpur, P.S - Bajitpur, District - Darbhanga, Bihar
2. Lalbabu Sah @ Lalbabu Shah S/O Nagina Sah R/o - Pachhwari Tole, Bajitpur, P.S - Bajitpur, District - Darbhanga, Bihar
3. Fulbabu Sah @ Meekalbabu Sah @ Fulbabu Shah @ Miphalbabu @ Mikal babu S/O Nagina Sah @ Nagin Sah @ Nagina Shah R/o - Pachhwari Tole, Bajitpur, P.S - Bajitpur, District - Darbhanga, Bihar
4. Firoj Sah @ Firoj @ Firoj Shah S/O Nagina Sah R/o - Pachhwari Tole, Bajitpur, P.S - Bajitpur, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. Learned Counsel for the petitioners submits that vide order dated 30.04.2025, the bail application has been permitted to be withdrawn for petitioner No.1 as he was arrested. Counsel submits that petitioner Nos.2 and 3 have been arrested. As such, he is permitted to withdraw the bail application of petitioner Nos.2 and 3.

3. 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 petitioner who apprehends arrest in connection with Bajitpur P.S. Case No. 76 of 2024, lodged on 17.10.2024, under Sections 126(2)/115(2)/118(1) /74/109 / 303(2)/324(4)/352/351(2)(3)(5) of the Bhartiya Nyay Sanhita, 2023.

4. As per the prosecution, the informant has alleged that all the accused persons with iron rod, sword, tengari etc. entered into the house of the informant and accused Safique Sah assaulted with iron rod on the head of the informant due to which injury has been caused. It has been alleged that the accused persons have assaulted to the wife of the informant destroyed the house hold articles and accused Nagina Sah, petitioner No.1 had snatched Rs.2,000/-. Due to the said injury, the informant has been referred to DMCH where he was treated. Counsel for the petitioner submits that the antecedent of petitioner No.4 for whom he is persuading anticipatory bail is clean. He submits that from the bare reading of the FIR, it becomes crystal clear that the specific allegation is upon Safique Sah for assaulting with iron rod due to which injury has been caused. There is omnibus allegation against all the accused persons that they have assaulted the wife of the



informant. He submits that there is nothing specific against the present petitioner. He submits that due to enmity the informant has named all the family members of the accused persons in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the allegation of assault is against all accused persons.

6. In the present facts and circumstances that there is no specific allegation of assault against the petitioner No.4 Firoj Sah, let petitioner No.4 Firoj Sah 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) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate-VI, Benipur, Darbangha, in connection with Bajitpur P.S. Case No. 76 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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