

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21454 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- BARHARIA District- Siwan

Babalu Sai @ Md. Iqbal, S/O Qyum Sain @ Md. Qyamuddin, Resident of
village- Babhanbara, PS and District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-04-2025 Heard Mr. Gajendra Kumar Singh, learned counsel for
the petitioner and Mr. Nand Kishore Prasad, learned APP for the
State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barharia P.S. Case No. 271 of 2024 instituted for the
offence under Sections 302/34 of the Indian Penal Code.

3. The case of the prosecution is that the informant
along with her husband Achhaylal has gone to participate in
satyasang at Agya Mathiya. As they reached near Babhanbara
Bazar, there was blockage on the road due to the fair. At the
moment, the petitioner along with others and 10 unknown
persons arrived there. They started assaulting the driver and the
husband of the informant. The driver called Rudal Bhagat and



others to rescue. It is further alleged that the accused persons badly assaulted the husband of the informant and he died on the spot.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R., it is clear that the nature of allegation is general and omnibus. There is no specific allegation against anyone. The allegation is against altogether 11 named and 10 unknown persons. From perusal of the postmortem report, it transpires that the doctor has found no external injury on the person of the deceased. Similarly situated co-accused persons have already been granted anticipatory bail by this Court vide order dated 21.02.2025 in Cr. Misc. No. 70773 of 2024.

5. Learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender



in connection with Barharia P.S. Case No. 271 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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