

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27182 of 2025

Arising Out of PS. Case No.-304 Year-2021 Thana- BANMANKHI District- Purnia

Kishun Sah @ Kishundeo Sah Son of Kuldev Sah Resident of Village -
Dhokardhara, Ward No.- 6, P.S.- Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 302, 323 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that Bechan Sah and his family members saw Awadhesh
Kumar talking on his mobile near their house on 23.09.2021,
thus, misunderstood that Awadhesh was talking to some female
members of their house, hence, the accused persons assaulted
him on account of which Awadhesh laid senseless on the road
and blood was oozing, thereafter informant along with his
brother Akash Kumar came and saw the accused persons
carrying iron rod and lathi and blood oozing from Awadhesh



thus they asked why Awadhesh was assaulted when all the named accused persons including the petitioner assaulted the informant and Akash Kumar by lathi, iron rod, fists etc. Further, Akash died during the course of treatment on 24.09.2021.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature. It is next submitted that the police after threadbare investigation came to a considered conclusion that petitioner is innocent and thus submitted Final Form No. 201/22 dated 25.07.2022 exonerating the petitioner along with Brahmadev Sah, Bishun Sah, Radhe Sah and Sunil Sah of the allegation as alleged in the FIR but then the learned trial court differing with the police report took cognizance and, thus, petitioner apprehends his arrest.

5. Learned counsel for the petitioner further submits that when one investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent, whether it would be prudent for this Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the



petitioner of the allegation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Banmankhi P.S. Case No. 304 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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