

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33009 of 2025

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

Bishun Sah S/o Late Kuldeo Sah R/o Village- Dhokardhara, Ward No. 6, P.S.-
Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33703 of 2025

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

Sunil Sah S/o Bishun Sah R/o Village- Dhokardhara, Ward No.6, P.S.-
Banmankhi, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34098 of 2025

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

Brahmdev Sah Son of Late Kuldev Sah Village- Dhokardhara Ward No.6 PS-
Banmankhi Dist -Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33009 of 2025)
For the Petitioner/s : Mr. Shivnandan Sah, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP
(In CRIMINAL MISCELLANEOUS No. 33703 of 2025)
For the Petitioner/s : Mr. Shivnandan Sah, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP
(In CRIMINAL MISCELLANEOUS No. 34098 of 2025)
For the Petitioner/s : Mr. Shivnandan Sah, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP



CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2025 The abovementioned bail applications are being disposed of by a common order since, these bail applications are arising out of same P.S. case.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. Petitioners apprehend their arrest in a case registered under Sections 147, 148, 149, 302, 323 and 504 of the Indian Penal Code.

4. As per the prosecution case, Bechan Sah and his family members saw Awadhesh Kumar (younger brother of informant) talking on his mobile near their house on 23.09.2021, thus, they misunderstood that he was talking to some female members of their house, hence, the accused persons assaulted him on account of which, Awadhesh became senseless on the road and blood was oozing and when informant along with his brother Akash Kumar came and on asking for assault, the accused persons including these petitioners assaulted the informant and Akash Kumar by *lathi*, iron rod, fists due to which, Akash sustained injury and during course of treatment on 24.09.2021, he died.

5. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. The police after thorough investigation submitted final form showing petitioners are innocent, but differing with the same, the learned Trial Court took cognizance. It is further submitted that there is case and counter case between the parties. Both the parties have sustained injuries in the alleged occurrence. There is no specific overt act alleged against the petitioners. Similarly situated co-accused Kishun Sah @ Kishundeo Sah has already been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 06.05.2025 passed in Cr. Misc No. 27182 of 2025. Petitioners have got clean antecedent and they undertake to cooperate in the investigation and trial.

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

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Purnea in connection with Banmankhi P.S.



Case No.304 of 2021, subject to the conditions as laid down in
Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Sunil Dutta Mishra, J)

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