

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33045 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- KEWATI District- Darbhanga

Sunil Sah S/O Late Moti Sah R/O Village- Paigambarpur, P.S- Keoti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Keoti P.S. Case No. 407 of 2024 registered for the offences punishable under Section 126(2), 115(2), 109, 352, 351(2), 303(2), 74 and 3(5) of B.N.S. Act.

3. As per prosecution case, agnates of the informant, namely, co-accused Karan Sah and Kallu Sah forcibly has captured the ancestral house of the informant in which cloths of the informant's family members were kept. It is alleged that when the informant went to take the cloths from the house then petitioner along with other co-accused persons suddenly attacked upon the informant from behind. Co-accused Karan Sah with an intention to kill the informant assaulted him on his



head by means Garasa as a result of which he sustained injury on his head and blood started oozing out. During course of assault, co-accused Kallu Sah snatched Rs. 2,700/- from the pocket of informant. It is further alleged that Sunil Sah(petitioner) is said to have misbehaved with the informant's daughter-in-law and when informant's wife and daughter in law objected, the petitioner assaulted the informant's wife and his daughter in law by means of iron rod.

4. Learned counsel for the petitioner submits that the occurrence took place on 03.11.2024 and the F.I.R. has been lodged after on 11.12.2024 i.e. after eight days without explaining any reason which put question upon the authenticity of prosecution story and the same was seen by the court on 18.12.2024. Allegation against the petitioner regarding assaulting the informant is quite vague and there is no specific allegation of assault upon the informant who sustained injury on his head. There is specific allegation of assault against co-accused Karan Sah who said to have assaulted the informant on head, in this way no case under Section 109 is not made out against the petitioner. There is only allegation of assaulting the informant's wife and daughter in law by means of rod which is quite denied by the statement of daughter in law as well as



informant's wife as mentioned in para 13 and 14 of the bail petition. Learned counsel for the petitioner submits that the petitioner bears one criminal antecedent bearing Keoti P.S. Case No. 163 of 2023 in which he is on bail and he orally submits that the aforesaid case is between the same parties.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Keoti P.S. Case No. 407 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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