

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33928 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- Raghunathpur District- East Champaran

Anil Sah @ Anil Kumar Sah, S/o Late Mithai Lal Sah, R/o Village-
Raghunathpur, Ward No. 29, P.S.- Raghunathpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Raghunathpur PS. Case No-171 of 2024 dated-11.12.2024, registered for the offences punishable under Sections 308(3), 308(4), 326(2), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per allegation, on instigation of the Petitioner, co-accused Pawan Shah has threatened the informant to give Rs.20,00,000/- as *rangdari*, failing which, he may be killed.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of being next door



neighbour of the informant, there is some dispute, and hence, he has been falsely been implicated. He further submits that the Petitioner has nothing to do with the alleged offence. He also submits that the anticipatory bail petition filed by the Petitioner before the Sessions Court has not been decided by the order dated 06.02.2025 passed by learned Sessions Court, he has referred the Petitioner to the police to make representation, in view of the **Naushad Ansari Vs. State of Bihar**, whereas learned Sessions Judge should have decided the petition. Hence, the present petition has invoked the concurrent jurisdiction of this Court for anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Raghunathpur PS. Case No-171 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

9. Sessions Judge, Shri. Devraj Tripathi is cautioned not to abdicate his duty under Sections 438 Cr.PC corresponding to Section 482 of the B.N.S.S. to decide anticipatory bail petition. He is cautioned not to refer any further anticipatory bail Petitions to the police. He has to decide the anticipatory bail



petitions on their merit, as this Court has already held in **Navneet Kumar Singh Vs. State of Bihar** in Criminal Miscellaneous Case No-38822 of 2025 as decided on 08.08.2025.

10. A copy of the order be sent to Shri. Devraj Tripathi, District and Sessions Judge, East Champaran for his information and needful.

(Jitendra Kumar, J.)

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