

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36644 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- ARARIA District- Araria

1. Bauku Rishidev @ Bokai Rishidev S/O Late Fudan Rishidev R/O Vill.- Mahishakol, P.s.- Araria, Dist.- Araria.
2. Bhagdhal Rishidev @ Umesh Rishidev @ Bhagthal Rishidev S/O Late Mahesh Lal Rishidev R/O Vill.- Mahishakol, P.s.- Araria, Dist.- Araria.
3. Gurudev Rishidev S/O Bauku Rishidev @ Bokai Rishidev R/O Vill.- Mahishakol, P.s.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Araria P.S. Case No.01 of 2025 lodged on 01.01.2025, for the offences punishable under Sections 126(2), 127(2), 115(2), 356(2), 352, 351(2)/ 3(5) of the BNS, 2023 read with Section ¾ of Prevention of Witch Practice Act, 1999.



3. As per the prosecution, FIR has been lodged against 7 named accused persons including the present petitioners against whom there is allegation that accused persons called the informant as *Budha Dayan* (old witch) and started abusing as well as assaulted brutally.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the informant is the muscle man of the locality and due to his wrong done with the petitioners' side, a complaint was filed by the petitioners' side against the informant bearing Complaint Case No.1567C of 2016 under IPC and SC/ST Atrocities Act in which cognizance has been taken against the informant.

5. Counsel further submits that when the informant received information that complaint case has been filed against him and cognizance has been taken then, with a view to save his skin, he has filed criminal case against petitioners with false allegation in which petitioners seek anticipatory bail.

6. Counsel further submits that petitioners are poor fellow and socially backward persons of the society whereas informant is a muscle man of the locality.

7. Counsel submits that the criminal antecedent of the



petitioner Nos.2 and 3 is clean, but there is one antecedent against petitioner No.1 in which he is on bail.

8. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from Annexure-P/2 of the bail petition, it transpires that petitioners have filed criminal case against the informant in which cognizance has been taken.

9. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Araria, in connection with Araria P.S. Case No.01 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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