

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36041 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- DERNI BAZAR District- Saran

-
1. Jitendra Kumar @ Pintu Sah S/o Late Shivpujan Sah R/o village- Sutihaar, PS- Derni, District- Saran
 2. Rajesh Kumar @ Rajesh Kumar Sah S/o Late Shivpujan Sah R/o village- Sutihaar, PS- Derni, District- Saran
 3. Ramesh Kumar @ Ramesh Sah S/o Late Ramprit Sah @ Ramtirath Sah R/o village- Sutihaar, PS- Derni, District- Saran
 4. Abhishek Kumar S/o Sri Sanjay Kumar Sah R/o village- Sutihaar, PS- Derni, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Dhiraj Kumar Singh, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 25-07-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Dhiraj Kumar Singh, learned counsel for the informant and Dr. Mrityunjaya Kumar Gautam, learned APP for the State.

2. The petitioners apprehend their arrest for the offences punishable under Sections 126 (2), 115 (2), 118 (1), 103 (1) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation in the first information report is against 12 named and 8-10 unknown persons that they came



variously armed to the house of the informant and there is an allegation against accused persons including petitioner nos. 1 to 3 of having assaulted the father of the informant, Arjun Prasad Sah, who, subsequently, succumbed to the injury.

4. It is submitted by the learned counsel for the petitioners that there is a delay in lodging the first information report as the occurrence is said to have taken place on 06.03.2025, whereas the first information report came to be lodged on 08.03.2025, for which no plausible explanation has been tendered. The informant, admittedly, is not an eye witness and he has filed the written report on the basis of disclosure made by the wife of the deceased. It is further submitted that once the postmortem was conducted on 07.03.2025, the present first information report came to be lodged on the following day i.e. on 08.03.2025, after having known the injuries and then attributing the allegations upon the accused persons. Further, the witnesses, who have been examined during the course of investigation, have attributed general and omnibus allegations on all the accused persons and have also supported the fact that the deceased had killed one Shivpujan Sah, father of petitioner nos.1 and 2, in the same transaction and then the present occurrence took place. Annexure-2, which is the first



information report filed by one of the co-accused, Ashok Kumar, son of deceased Shivpujan Sah, clearly indicates that besides the fact that Shivpujan Sah was killed, Rajesh Kumar, (petitioner no.2), also got seriously injured and was taken to the hospital for treatment, as evident from Annexure-3.

5. Learned counsel appearing for the informant, however, strongly opposes the grant of anticipatory bail as against all the petitioners but concedes that to some extent F.I.R. does not disclose specific allegation against petitioner no.4. However, he insists that there is direct allegation upon petitioner nos.1 to 3 and the postmortem report also reveals cause of death as head injury and injury has also been found on the face of the deceased attributable to petitioner no.2. He also points out that petitioner nos.2 and 3 have one criminal antecedent each, which is not refuted by learned counsel for the petitioner.

6. Taking into consideration the rival contentions of the parties, I am not inclined to grant anticipatory bail to petitioner nos.1 and 3 on account of direct allegation of assault.

7. However, the allegation against petitioner no.2 does not seem to be correct as he himself got seriously injured and there is no direct allegation on petitioner no.4. Let the above named petitioner nos.2 and 4, be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond 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 Derni P.S. Case No.40 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

8. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

Trivedi/-

U		T	
---	--	---	--

