

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36423 of 2025

Arising Out of PS. Case No.-153 Year-2025 Thana- SAHARSA SADAR District- Saharsa

1. Stivensan Maithyu @ Anthony @ S.T. Mension Mathew son of Late Chandrika Ram Mohalla -Gandhipath, ward no 8/ 39, PS -Saharsa, District -Saharsa Bihar
2. Michal @ Sushant Kumar son of Late Chandrika Ram Mohalla -Gandhipath, ward no 8/ 39, PS -Saharsa, District -Saharsa Bihar
3. Tysan @ Anand Kumar son Of Late Chandrika Ram Mohalla -Gandhipath, ward no 8/ 39, PS -Saharsa, District -Saharsa Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rupa Kumari, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, 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 petitioners who apprehend arrest in connection with Saharsa Sadar P.S. Case No. 153/2025 lodged 03.02.2025, for the offences punishable under sections 329(3), 329(4), 126(2), 115(2), 352, 118(1), 76, 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the F.I.R. has been lodged against five named accused persons and six unknown persons, alleging inter alia that the accused persons used to keep a dog at their house, which frequently defecated in the campus of the informant. Despite repeated requests by the informant to



prevent such acts, the accused persons allegedly assaulted her and attempted to outrage her modesty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is contended that the entire allegation is false, fabricated, and concocted. He further submits that the petitioners and the informant are adjacent neighbours, well-acquainted with each other, and that due to a petty dispute, general and omnibus allegations have been levelled against all the petitioners. It is further submitted that petitioner no.1 is a practicing lawyer, while petitioner nos. 2 and 3 are students. The informant, being employed in a hospital, allegedly managed to procure an injury report. It is also submitted that although the alleged occurrence took place on 30.01.2025, the F.I.R. was lodged belatedly on 03.02.2025, without any explanation for the delay. The antecedents of the petitioners are clean, and they undertake not to commit such such mistake in the future.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that petitioner no.1, being a responsible person and a practicing advocate, ought to be aware of the legal consequences of such conduct. It is further submitted that Section 346 of the Bihar Municipal Act, 2007 prohibits certain



unlicensed activities, including the keeping of animals such as horses, cattle, and dogs within municipal limits. The petitioners were allegedly keeping animals without obtaining a valid license, thereby causing nuisance and harm to the peaceful living of others in the locality.

6. Considering the facts and circumstances of the case and the fact that petitioner nos. 2 and 3 are students, they are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks from today, on furnishing bail bonds of ₹30,000/- (Rupees Thirty Thousand only) each, as per Section 2(1)(d) of the Bharatiya Nagrik Suraksha Sanhita, 2023, to the satisfaction of the learned Court below in connection with Saharsa Sadar P.S. Case No. 153/2025, subject to the conditions laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023. They shall also furnish an undertaking at the time of furnishing the bail bonds that they shall not indulge in such acts in future, and no further allegations shall be made against them, failing which their bail bonds shall be liable to be cancelled.

7. However, so far as petitioner no.1 is concerned, he is directed to be released on provisional bail, in the event of his arrest or surrender before the learned Trial Court within a period



of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only), in accordance with Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023, to the satisfaction of the learned Court below in connection with Saharsa Sadar P.S. Case No. 153/2025, subject to the conditions laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

8. The provisional bail of the petitioner No.1 shall be confirmed on fulfillment of condition that he shall obtain a valid license from the competent authority for keeping the dog within municipal limits under the Bihar Municipal Law. In case he fails to obtain the license within the stipulated period, he shall remove the said animal from the premises falling within the municipal area. The Trial Court shall verify compliance through the local police. The provisional bail of petitioner no.1 shall be confirmed only upon showing proof of compliance with either of the conditions mentioned above.

9. With the aforesaid conditions, the present application stands disposed off.

(Dr. Anshuman, J)

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