

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40801 of 2025

Arising Out of PS. Case No.-84 Year-2024 Thana- PIPRAHI District- Sheohar

1. Sri Bala Sah son of Khaheru Sah resident of village - Ambakala , Ward No - 02 , P. S - Piprahi , District - Sheohar
2. Mosmat Nitu Devi Wife of Sahnu Kumar resident of village - Ambakala , Ward No - 02 , P. S - Piprahi , District - Sheohar
3. Smt. Rubi Devi wife of Bala Sah resident of village - Ambakala , Ward No - 02 , P. S - Piprahi , District - Sheohar
4. Sri Khaheru Sah Son of Sri Pathal Sah resident of village - Ambakala , Ward No - 02 , P. S - Piprahi , District - Sheohar
5. Sri Sunil Sah Son of Sukhari Sah resident of village - Chandiha, PS- Purnahiya, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-10-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Piprahi P.S. Case no.84 of 2024, registered under sections 302, 120B, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused persons took away his son for employment to Haryana where he was married to the daughter of the *Sarhu* (brother-in-law) of one of the accused. It subsequently transpired that he had been done to death.

4. Learned counsel for the petitioners submits that the



petitioners and the members of his family have been falsely implicated in the case. There is no allegation against the petitioners nor any material has transpired in course of investigation to connect the petitioners with the alleged crime. Further referring to the contents of the complaint, which subsequently was registered as an FIR, it is submitted that even as per the informant he received information about his son being done to death on 8.9.2020, however for no good reason the FIR was registered only in the year 2024. It is thus submitted that in the facts of the case, the petitioners be enlarged on anticipatory bail.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State. With respect to the delay in registration of the FIR, it is submitted by learned A.P.P that as against information having been received by the informant of the death of his son on 8.9.2020, the Complaint Case no.173 of 2020 was filed by the informant on 19.9.2020 itself. Thus there is no delay in filing of the case. It is further submitted that so far as the occurrence having taken place in Haryana etc are concerned, as per the order of the learned Court below, the decision with respect to the accusation of the petitioners is still to be decided.



6. Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R, the submissions made, it transpires from the order of the learned Court below that having gone through the case diary and the supervision notes, the learned Court below has taken note of the supervision note in paragraph no.32 of the case diary, from where it transpires that the decision as regard accusation of the petitioners is still pending for want of verification of the fact. Thus the learned Court below was of the opinion that the petitioners did not have any apprehension of arrest at the present. As per learned APP for the State the petitioner has no apprehension of arrest, yet.

7. In view of the above noted facts and circumstances of the case, in the opinion of the Court, the accusation of the petitioners not having decided yet, in absence of the apprehension of arrest, the application for anticipatory bail is disposed of as premature.

8. The petitioners will be at liberty to move for anticipatory bail as and when the apprehension of arrest arises in future.

(Partha Sarthy, J)

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