

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37013 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- MUFFASIL District- West Champaran

1. VISHAL KUMAR S/o- Shambhu Mahto @ Shambhu Prasad Village- Purvi Kargahiya Ps- Bettiah Muffasil Dist- West Champaran
2. Shubham Kumar S/o- Rambhu Mahto @ Rambhu Prasad Village- Purvi Kargahiya Ps- Bettiah Muffasil Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-06-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Bettiah Muffasil Police Station Case No. 134 of 2025, disclosing offences under Sections 326(g) and 3(5) of the BNS, 2023.

3. As per the prosecution case, on 04.03.2025, at about 6 pm, there was a fight between two students residing in the lodge namely Sarfaraj and his elder brother Chhota Meraj with Saurav Kumar and Vivek Kumar, including the petitioners and others. It has further been alleged that due to fight between both the sides, Saurav Kumar sustained injury and subsequently



died. After half an hour of the death of Saurav Kumar, the brothers of the deceased, namely, Vishal Kumar and Shubham Kumar, i.e. petitioners, and two unknown persons came there and set the motorcycle of Sarfaraj on fire, including the library of the informant's maternal uncle. The same has been recorded in CCTV camera.

4. Learned counsel for the petitioners submits that a fight took place between the residents of the lodge owned by maternal uncle of the informant. The petitioners, along with the deceased were residing in the lodge, and on 04.03.2025, at about 6:30 pm, the petitioner's brother, Saurav Kumar, was assaulted by Sarfaraj and Meraj, due to which he died. An FIR bearing Bettaih Muffasil P.S. Case No. 132 of 2025 was lodged by the side of the petitioners. After lodging of the FIR by the petitioner's side, the present FIR has been lodged on the next day on 05.03.2025, whereas in the FIR, it has been mentioned that within half an hour of the death of petitioner's brother, the petitioners and others set the library and the motorcycle on fire. Petitioners are having no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that there is a case and counter case, and



the petitioners are having no criminal antecedent, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Muffasil Police Station Case No. 134 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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