

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37421 of 2025

Arising Out of PS. Case No.-1234 Year-2023 Thana- MADHEPURA District- Madhepura

1. Devnarayan Sah, S/o Hakkar Sah, Resident of village-Sakarpura, P.S.- Madhepura (Bharrahi OP), District- Madhepura
2. Bishwambher Kumar, S/o Devnarayan Sah, Resident of village-Sakarpura, PS- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajeev Kumar, Advocate
For the State	:	Mr. Suman Kumari Singh, APP
For the Informant	:	Mr. Amarkant Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for the informant.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No.1234 of 2023 registered under Sections 302, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners, as per FIR, is to commit murder of family members of the informant along with other co-accused persons by causing firearm



injury.

4. Learned counsel appearing on behalf of the petitioners submitted that informant is not an eye-witness of the alleged occurrence. It is submitted that petitioners were implicated in this case only on the basis of suspicion, having land dispute with informant's side. It is pointed out that certain witnesses during course of investigation stated while recording their statement under Section 161 of the Code of Criminal Procedure (in short 'CrPC') that petitioner no.1, namely, Devnarayan Sah was not present in village and, therefore, his implication appears falsely out of village politics. It is further submitted that similarly situated co-accused, namely, Shiv Narayan Sah and Vikash Sah @ Abhishek Anand @ Vikash Kumar Sah have been granted bail by this Court through Cr. Misc. No.28804 of 2025 dated 07.05.2025 and, therefore, judicial parity demands that these petitioners also deserve anticipatory bail.

5. Learned APP duly assisted by Mr. Amarkant Jha, learned counsel for the informant while opposing the prayer of bail submitted that the witness namely, Deep Mala Kumari



while recording her statement under Section 161 of the CrPC stated that it was the petitioner no.1, who was holding the father-in-law and husband of the informant during the occurrence along with other co-accused persons. In support of his submission, learned counsel has referred the statement of said witness as recorded under paragraph-47 of the case diary. However, he fairly conceded that the case of petitioner no.2 is of similar footing to that of co-accused Shiv Narayan Sah and Vikash Sah @ Abhishek Anand @ Vikash Kumar Sah, as they were not named by Deepmala Kumari.

6. In view of the aforesaid factual submissions and by taking note of the fact as informant *prima facie* not appears an eye-witness of the occurrence, where named of petitioner no.2 appears only on the basis of suspicion in the background of land dispute, coupled with the fact that similarly situated co-accused persons, as mentioned above, have already granted privilege of anticipatory bail, accordingly, the petitioner no.2, namely, Bishwambher Kumar is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No.1234 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

7. As far as the prayer for grant of anticipatory bail of petitioner no.1, namely, Devnarayan Sah is concerned, as witness, namely, Deep Mala Kumari while recording her statement under Section 161 of the CrPC specifically stated that it was the petitioner no.1, who was holding the father-in-law and husband of the informant during the occurrence, his prayer for anticipatory bail is rejected herewith.

(Chandra Shekhar Jha, J.)

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