

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39173 of 2025

Arising Out of PS. Case No.-780 Year-2024 Thana- AMARPUR District- Banka

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1. Keshari Tanti @ Keshori Tanti S/o Basuki Tanti Resident of Village- Baniya Chak, P.S- Amarpur, District-Banka
 2. Pinta Tanti @ Pintu Tanti S/o Basuki Tanti Resident of Village- Baniya Chak, P.S- Amarpur, District-Banka
 3. Kartik Tanti S/o Basuki Tanti Resident of Village- Baniya Chak, P.S- Amarpur, District-Banka
 4. Basuki Tantui S/o Late Ledho Tanti Resident of Village- Baniya Chak, P.S- Amarpur, District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-07-2025 Heard Mr. Praveen Kumar, learned counsel appearing on behalf of the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Amarpur P.S. Case No. 780 of 2024 registered for the offence punishable under Sections 126(2), 115(2), 109(1), 74, 76, 303(2) and 3(5) of the BNS.

3. As per the allegation made in the F.I.R., the petitioners allegedly entered into the house of the informant and assaulted the informant and her husband and son by means of



iron rod, lathi and danda. The petitioner no.4 is said to have assaulted the husband of the informant causing head injury. Petitioner no.2 is said to have tried to outrage the modesty of the daughter-in-law of the informant. Petitioner no.3 is said to have assaulted the informant and her son causing injury. Petitioner no.1 is said to have taken Rs.1000/- from the pocket of the husband of the informant.

4. Mr. Praveen Kumar, learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the case. He submits that though specific allegation has been made in the F.I.R., in want of any injury on the person of the husband of the informant, allegation against petitioner no.4 is not made out. The allegation levelled against petitioner nos. 1, 2 and 3 is not specific rather general and omnibus. Allegation against petitioner no.3 that he had assaulted the informant as well as her son causing injury is also not sustainable in want of any *mens rea* to kill and as such allegation under Section 109 BNS is not made out. So far as allegation against petitioner no.1 and 2 is concerned, that is of ornamental in nature.

5. Learned APP for the State as well as Informant has vehemently opposed the prayer for grant of pre-arrest bail to the



petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation against the petitioner nos. 1, 2 and 3 is general and omnibus, as there is failure on the part of the informant to make out a case that the three petitioners with a pre-determined mind to kill the entire family members had assaulted them, the injury sustained by the informant is simple in nature and in want of any injury on the husband of the informant, no case of assault is made out against petitioner nos. 1, 2 and 3.

7. The petitioner nos. 1, 2 and 3 are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 780 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

8. So far as petitioner no.4 is concerned, there is specific allegation against him that he had assaulted the husband of the informant who sustained injury and in want of any injury of the husband of the informant, the petitioner no.4



may surrender before the learned District Court and seek regular bail.

9. The District Court is directed to verify the criminal antecedent of the petitioner nos. 1, 2 and 3 and if it is found that the petitioner nos. 1, 2 and 3 are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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