

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43729 of 2025

Arising Out of PS. Case No.-506 Year-2024 Thana- KHAIRA District- Jamui

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1. DILIP SAH SON OF LATE KARU SAH RESIDENT OF VILLAGE- KAGESHWAR, P.S.- KHAIRA, DISTT.- JAMUI
 2. PRAMOD SAH@ PRAMOD KUMAR SAH SON OF LATE RAMDEV SAH RESIDENT OF VILLAGE- KAGESHWAR, P.S.- KHAIRA, DISTT.- JAMUI
 3. KRISHNA SAW@KRISHNA KUMAR SON OF LATE RAMDEV SAH RESIDENT OF VILLAGE- KAGESHWAR, P.S.- KHAIRA, DISTT.- JAMUI
 4. CHANDAN SAH@ CHANDAN KUMAR SON OF LATE RAMDEV SAH RESIDENT OF VILLAGE- KAGESHWAR, P.S.- KHAIRA, DISTT.- JAMUI
 5. PAWAN SAH SON OF DILIP SAH RESIDENT OF VILLAGE- KAGESHWAR, P.S.- KHAIRA, DISTT.- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Khaira P.S. Case No. 506/2024 lodged on 31.12.2024, for the offences punishable under sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against five named accused persons, including the petitioners,



alleging that they abetted the informant's husband to commit suicide by consuming poison. It is further alleged that, prior to his death, the deceased recorded a video in which he held the petitioners responsible. It is also stated that the petitioners used to assault the informant's husband in connection with a long-standing land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is evident from the F.I.R. itself that the informant's husband consumed poison on his own, which led to his death. The petitioners have been falsely implicated in this case due to being "gotia" (co-villagers or agnates) and due to the ongoing land dispute between the parties. It is further submitted that the allegations made in the F.I.R. are general and omnibus in nature, and the only basis for implicating the petitioners is a video allegedly recorded by the deceased, in which their names have been mentioned. However, the said video has not been brought on record by the prosecution. Moreover, the post-mortem report does not conclusively state the cause of death, which has been left pending subject to the chemical examination report. Learned counsel also refers to an affidavit sworn by the informant before the Notary Public, Jamui, wherein she has admitted that her



husband died due to consumption of liquor and that the present case has been lodged against the petitioners at the instance of others. A photocopy of the said affidavit has been annexed as Annexure P-2 to the bail application. It is further submitted that petitioner Nos. 1 and 2 are accused in one other criminal case each, whereas petitioner Nos. 3, 4, and 5 have clean criminal antecedents.

5. Learned APP for the State opposes the prayer for bail and submits that the allegation is specific against the petitioners.

6. Considering their clean criminal antecedents, let petitioner nos. 3, 4 and 5 above named, be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the CJM, Jamui, in connection with Khaira P.S. Case No. 506 of 2024, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

7. So far as petitioner Nos. 1 and 2 are concerned, since their criminal antecedents are not clean, this Court is not



inclined to grant them the privilege of anticipatory bail.
Accordingly, their prayer for anticipatory bail is hereby rejected.

(Dr. Anshuman, J)

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