

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39882 of 2025

Arising Out of PS. Case No.-284 Year-2021 Thana- CHIRAIYA District- East Champaran

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GOPAL SAH Son of Siyaram Sah Resident of Village - Haranareina, Post
Office - Chiraian, Bela, Police Station - Shikarganj, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 15-10-2025 1. Heard learned Counsel for the petitioner, learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant.
2. This application, for grant of anticipatory bail,
arises out of Chiraiya (Shikarganj) Police Station Case No. 284
of 2021 dated 03.10.2021, disclosing offences under Sections
341, 323, 324, 307 and 34 of the Indian Penal Code
3. The prosecution case, as per the First Information
Report, on 30.09.2021 in the afternoon the informant's wife left
home for cutting of grass. At about 5 PM in the evening, the
informant heard a news that one lady was lying in unconscious
condition near Hatnareena Canal. When the informant arrived
near the side of the canal he saw that his wife



was lying unconscious, she was admitted in the hospital having serious injury on her forehead, nose, chest and other parts of the body.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and the informant has said in the FIR that he and his wife were not having any inimical terms with anybody. The name of the petitioner has transpired on the basis of confessional statement of the co-accused made during the course of investigation. There is delay in lodging the FIR inasmuch as the occurrence has taken place on 30.09.2021 but FIR has been lodged after delay of four days on 03.10.2021. A plea of alibi has also been taken by the petitioner submitting that the petitioner was working at the Godrej Nature Plus Suhana in Sector - 33, Haryana and was residing in Haryana and on the date of occurrence he was not present in the village but was in Sector - 33, Haryana.

5. On the other hand, learned counsel for the State has vehemently opposed the prayer for anticipatory bail and submits that after regaining consciousness, the statement of the victim was recorded, who has disclosed the name of the petitioner and others who abused and assaulted the victim i.e., informant's wife. The victim has sustained grievous injury.



6. Having regard to the rival submissions made on behalf of the parties and taking note of the statement made by the injured victim in which she has disclosed the name of the petitioner as one of the assailants and that victim has sustained grievous injury, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

8. However, if the petitioner surrender's before the concern Court and seeks regular bail, the same shall be considered by the learned Sub-divisional Judicial Magistrate, Sikarhana at Dhaka, District – East Champaran on its own merit without being prejudiced to the fact that the anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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