

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57037 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- SHAMBHUGANJ District- Banka

1. Sashi Das S/o Sikendra Das R/o - Shobhanathpur, P.S - Shambhuganj, District - Banka, Bihar
2. Sikendra Prasad @ Satyanarayan Das S/o Danu Das R/o - Shobhanathpur, P.S - Shambhuganj, District - Banka, Bihar
3. Rekha Devi W/o Shashi Das R/o - Shobhanathpur, P.S - Shambhuganj, District - Banka, Bihar
4. Geeta Devi W/o Sikendra Das R/o - Shobhanathpur, P.S - Shambhuganj, District - Banka, Bihar
5. Mithun Kumar S/o Sikendra Das R/o - Shobhanathpur, P.S - Shambhuganj, District - Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2025 Mr. Madan Mohan, learned counsel for the petitioners prays for and is allowed to make necessary correction in the prayer portion of the petition.

2. Heard the parties.

3. The petitioners are apprehending arrest in connection with Shambhuganj P.S. Case No. 88 of 2025 instituted under Sections 329(4), 126(2), 115(2), 109, 74, 303(2), 352, 351(2), 3(5) of Bhartiya Nayay Sanhita, 2023 lodged on 30.03.2025 by the informant, Mithun Kumar.

4. As per the prosecution story, the informant alleged that the accused persons entered the house and after abuse assaulted with wooded stick. This caused injury to Neha Devi and



mother-in-law and led to lodging of the FIR.

5. Learned counsel for the petitioners submit that each and every family members have been dragged in the case assigning reason to them. There is only one injured namely Neha Devi and the injury has been found to be simple in nature as provided by the Medical Officer, Shambhuganj, Banka. All of them intend to pay Rs.2000/- each (totalling Rs.10,000/-). Further, they do not have criminal antecedent.

6. Learned APP opposes the prayer stating that though the allegation is of omnibus in nature, all of them jointly assaulted the informant's side. There is also a counter case by these petitioners which is earlier to the present FIR.

7. Considering the submissions of the parties as also that the petitioners do not have criminal antecedent, two of them are ladies, there is counter case, the injury has been found to be simple in nature, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the concerned Court to be handed over to the informant/injured.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Shambhuganj P.S. Case No. 88 of 2025 to the satisfaction of learned C.J.M., Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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