

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63367 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- BENIPATTI District- Madhubani

1. Amit Kumar Das @ Amit Das Son of Umesh Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
2. Shobha Devi @ Shobha Kumari @ Kumari Daughter of Umesh Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
3. Rani Kumari Daughter of Umesh Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
4. Sangeeta Devi Wife of pawan Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
5. Chandani Kumari @ Chandani Devi Wife of Lallan Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
6. Bira Devi @ Beena Devi Wife of Shankar Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
7. Sujit Kumar Das @ Sujit Das Son of Shankar Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
8. Arhula Devi Wife of Umesh Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani
9. Laxmi Das son of late Mehi Das Resident of Village -Ganguli (Choudhary Patti), Ward No 9 PS -Benipatti District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate, Advocate
For the Opposite Party/s : Mr. (Dr.) Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard the learned counsel for the petitioners and
the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in
connection with Benipatti P.S. Case No. 160 of 2025, dated
16.06.2025, registered for the offences punishable under



Sections 189(2), 126(2), 115(2), 118(1), 109(1), 74, 303(2), 352 and 351(2) of the B.N.S., 2023.

3. The prosecution case, in brief, is that in the absence of informant, the co-accused persons have encroached his 10 dhur land. When the informant along with his brother went to talk with Umesh Das and Shankar Das, all the co-accused persons including the petitioners assaulted them. They also assaulted Resma Devi and Anita Devi, and co-accused Umesh Das and Shankar Das snatched *mangalsutra* and *jitiya* from the neck of Resma Devi and Lalita Devi.

4. Learned counsel for the petitioners submitted that petitioners are innocent, they have committed no offence and they have falsely been implicated in the present case. No occurrence in the manner as alleged has ever taken place and the entire prosecution case is concocted and fabricated. It is next submitted that the occurrence took place on 15.06.2025 and FIR has been lodged on 16.06.2025 after delay of one day without giving any explanation for the said delay. The allegations levelled against the petitioners are general and omnibus in nature, while the specific allegation of assault is attributed against the co-accused persons namely, Shankar Das and Umesh Das, whose anticipatory bail application has been rejected by a



co-ordinate Bench of this Court *vide* order dated 09.09.2025 passed in Cr. Misc. No. 61955 of 2025. It is lastly submitted that petitioners claim clean antecedent.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the fact that petitioners have clean antecedent, there is no specific allegation of any assault or overt act attributed against these petitioners and the anticipatory bail application of the co-accused persons against whom there is specific allegation of assault, is rejected by a co-ordinate Bench of this Court, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani, in connection with **Benipatti P.S. Case No. 160 of 2025**, subject to the conditions laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., as well as on the following conditions:



(i) one of the bailors should be the family member / relative of the petitioner(s), who shall provide official document to show his / her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his / her / their bail bond by the learned trial Court itself;

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

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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