

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64636 of 2025

Arising Out of PS. Case No.-797 Year-2020 Thana- NAWADA District- Nawada

1. Upendra Sao @ Upendra Sav S/o Bhagwan Sao R/o vill - Bughaul, P.S- Town, Distt.- Nawada
2. Sanju Sao @ Sanjay Sao S/o Rajo Sao R/o vill - Bughaul, P.S- Town, Distt.- Nawada
3. Jira Sao @ Dharmendra Sao S/o Bhola Sao R/o vill - Bughaul, P.S- Town, Distt.- Nawada
4. Bachchi Devi W/o Bhola Sao R/o vill - Bughaul, P.S- Town, Distt.- Nawada
5. Champa Devi @ Chanda Devi W/o Dharmendra Sao R/o vill- Sarai Thera, P.S.- Warisaliganj, Distt.- Nawada
6. Dharmendra Sao S/o Parmeshwar Sao R/o vill- Sarai Thera, P.S.- Warisaliganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md.Abu Shajar, Advocate
For the State	:	Mr. Yogendra Kumar Singh,A.P.P.
For the Informant	:	Md. Kamaluddin, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Nawada P.S. Case No. 797 of 2020 registered for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code.

3. As per prosecution case, there is allegation against the petitioners that when the informant alongwith her



husband and brother went to the house of co-accused Bhola Sao, petitioners are said to have abused informant and her family members. It is alleged that petitioners became aggressive to assault the informant and her family members.

4. Learned counsel for the petitioners submits that petitioners are the family members of the co-accused Bhola Sao and they have falsely been implicated in the present case just because co-accused Bhola Sao executed an agreement of sale with regard to the land in question. Petitioners have nothing to do with the alleged occurrence. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Learned counsel orally submits that petitioners have got privilege under Section 41(1) of Cr.P.C. and after cognizance, petitioners have preferred anticipatory bail before this Court. He further submits that from the perusal of FIR, it appears that it is a dispute is of civil nature and allegation against the petitioners are general and omnibus in nature. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners by submitting that though, no allegation of assault is levelled against the petitioners but they



are named in FIR and they cannot escape from the allegation made in FIR. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, there is no allegation of assault against the petitioners rather only allegation of abusing the informant and her family members is levelled against them, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 797 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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