

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64330 of 2025

Arising Out of PS. Case No.-268 Year-2021 Thana- GOPALPUR District- Gopalganj

1. Rintu Shukla @ Rinto Shukla W/o Dinesh Rai R/o Village - Ahirauli Dubauli, P.S - Gopalpur, District - Gopalganj, Bihar
2. Nitesh Rai S/o Pramod Rai R/o Village - Ahirauli Dubauli, P.S - Gopalpur, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Mr. Rahul Kumar Dubey, Advocate
For the State	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	Mr. Shubhash Pandey, Advocate Mr. Amit Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-09-2025 1. Heard learned senior counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 302, 307, 448, 354B, 504, 506 of the I.P.C.

3. Learned Senior counsel for the petitioners submit that the petitioner no. 1 is a person with clean antecedent and is a women and the petitioner no. 2 has antecedent of three cases. The learned senior counsel appearing on behalf of the petitioners next submit that the petitioners were arraigned as



accused in the instant F.I.R. and the informant alleges that the accused persons including the petitioners came and assaulted his *bhabhi*, nephew and niece as his *bhabhi* objected the threat of accused persons of withdrawing the case instituted against them, further his *bhabhi* died during the course of treatment. The learned senior counsel appearing on behalf of the petitioners further submit that police after threadbare investigation came to a considered conclusion that the petitioners are innocent and thus submitted Final Form No. 108 of 2022 dated 05.07.2022 exonerating the petitioners of the allegation, but the learned Magistrate differing with the Police report took cognizance of the offences by order dated 07.11.2022. It is submitted that the order of cognizance was challenged in Cr. Revision No. 1545 of 2022 in the court of learned Additional Sessions Judge-III, Gopalganj and the learned Additional Sessions Judge-III, Gopalganj after hearing the learned counsel for the parties, set aside the order of cognizance by order dated 09.01.2023. It is next submitted that thereafter trial commenced and in the Session Trial No. 753 of 2023, the petitioners were summoned to face trial by order dated 23.11.2024 and thus apprehends arrest. The learned senior counsel for the petitioners submit that when one investigating agency after threadbare investigation



came to a considered conclusion that the petitioners are innocent and submitted final form and the learned Magistrate differing with the Police report took cognizance which was subsequently set aside by the learned Additional Sessions Judge-III, Gopalganj, whether it would be prudent for the Court to send the petitioners to jail based on an order passed in the trial u/s 319 Cr.P.C. It is next submitted that even presuming what has been alleged is true without admitting then the petitioners are not the assailants of the deceased, rather the petitioners are alleged to have assaulted the daughter and son of the deceased. The learned senior counsel next submits that he has gone through the entire case diary, but could not find any injury report of the son and daughter of the deceased, as such, it is submitted that since one person died in the occurrence, as such the informant by way of exaggerated allegation instituted the instant F.I.R. alleging that the petitioners also assaulted the son and daughter of the deceased.

4. The learned counsel appearing on behalf of the informant opposes anticipatory bail application and submits that Shubhnath Ray @ Shubhnath Rai had approached this Court seeking anticipatory bail by filing Cr. Miscellaneous No. 61571 of 2025 and the same came to be rejected by an order dated



15.09.2025 passed by a learned Co-ordinate Bench. It is next submitted that the case of Shubhnath Rai was akin to the case of the instant petitioners and he was also alleged to have assaulted the daughter and son of the deceased. It is next submitted that based on parity the anticipatory bail application of the petitioners be rejected.

5. The Court has gone through the order dated 15.09.2025 in Cr. Miscellaneous No. 61571 of 2025 wherein the learned Coordinate Bench after recording the allegation has also recorded that the Shubhnath Rai with the *lathi* assaulted the deceased son and daughter but then the order does not record as to whether any injury report of the son and daughter of the deceased was on record or not. The Court accepts the submission of the learned senior counsel appearing on behalf of the petitioners that he has himself gone through the case diary and did not find any injury report of the son and daughter of the deceased on record, further, since the Police exonerated the petitioners of the allegation by submitting final form and thereafter cognizance was taken which was also set aside by the learned Additional Sessions Judge-III, Gopalganj as such it appears that at this stage if the petitioners are sent to the judicial custody the same would amount to travesty of justice.



6. Learned counsel appearing on behalf of the informant at this stage submits that in the event if the privilege of anticipatory bail is granted to the petitioners in that event the petitioners may abscond or try to delay the trial, on which learned senior counsel appearing on behalf of the petitioners submit that the petitioners will not abscond rather will cooperate in the trial.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners and also the fact that the petitioners are not assailant of the deceased and petitioner no. 1 is a lady, with clean antecedent, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalpur P.S. Case No. 268 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the learned trial



court comes to the conclusion that petitioners after their release are trying to delay the framing of charge or after framing of charge are trying to delay the trial in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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