

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67428 of 2025

Arising Out of PS. Case No.-305 Year-2025 Thana- SONEPUR District- Saran

1. Shailesh Ray S/o Vijay Ray R/o Village - Sabalpur Chaharam, P.S - Sonapur, District - Saran
2. Raj Kishore Ray @ Manai Ray S/o Vijay Ray R/o Village - Sabalpur Chaharam, P.S - Sonapur, District - Saran
3. Manoj Ray S/o Vijay Ray R/o Village - Sabalpur Chaharam, P.S - Sonapur, District - Saran
4. Kundan Kumar @ Kundan Ray S/o Sitaram Ray R/o Village - Sabalpur Chaharam, P.S - Sonapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Mr. Raj Narayan Mishra
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha- A.P.P. Mr. Amit Kumar Mr. Anjali Anand Mr. Bhanu Priya Mr. Pramod Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2025 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 118(2), 303(2), 352, 351(2), 351(3), 61(2), 3(5), of the B.N.S. and Section 103(1) BNS has been added later on and Section 27 of



the Arms Act.

3. The learned counsel for the petitioners submits that the petitioner nos.1 and 3 have antecedent of one case and petitioner nos.2 and 4 are persons with clean antecedent and the informant alleges that on 02.04.2025 at 9.00 A.M., the accused persons came and Vijay Ray, Binod and Chanda Devi started assaulting. On alarm, Vakil Sharma, Sangita and Radha came to save him when 12 named accused persons came and started assaulting them, thereafter Binod Ray assaulted her by spade (Kudal) causing injury on right hand, thereafter Binod and Vijay assaulted Vakil Sharma by lathi and he fell thereafter Chanda assaulted Vakil Sharma indiscriminately by sword causing injury on head, hand and waist.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the petitioners. It is fairly submitted that specific allegation of assaulting Vakil Sharma is against Binod, Vijay and Chanda. It is also submitted that the informant specifically alleges that when Vakil Sharma fell on account of assault by Binod and Vijay by lathi thereafter



Chanda assaulted indiscriminately by sword causing injury on head, waist and hand. It is further submitted that the injured Vakil Shama was taken to hospital and he died one month after the occurrence, as such, it cannot be presumed that assault is proximate cause of death. The learned counsel for the petitioners further submits that though in the FIR, it is alleged that Vakil Sharma was assaulted by the accused persons leading to his death during the course of treatment subsequently, but then, it is submitted that the post mortem report of Vakil Sharma records cause of death asphyxia resulting from heart disease. It is also submitted that post mortem report does not even remotely suggest that any external injury were found on the body of Vakil Sharma.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that there is no specific allegation of assault against the petitioners. The death of Vakil Sharma took place one month after the occurrence, as such, assault was not the proximate cause of death and the learned counsel for the informant is also not able to rebut the post mortem report which was placed by



the learned counsel for the petitioners during the course of hearing that cause of death is asphyxia and no external injuries were found on the body of the deceased.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chhapra in connection with Sonapur P. S. Case No.305 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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