

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70773 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- BARHARIA District- Siwan

1. Chand Sai @ Chand Sah, son of Bande Sah, Resident of Village- Babhanbara, P.S.- Barharia, District- Siwan
2. Arshad Sai @ Arshad Ali, Son of Chand Sai, Resident of Village- Babhanbara, P.S.- Barharia, District- Siwan
3. Saiyad Alam, son of Chand Sai, Resident of Village- Babhanbara, P.S.- Barharia, District- Siwan
4. Mumtaj Sai, Son of Kolaha Sai, Resident of Village- Babhanbara, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-02-2025 Heard Mr. Raghav Prasad, learned counsel for the petitioners and Mr. Dr. Kumar Uday Pratap, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Barharia P.S. Case No. 271 of 2024 instituted for the offence under Sections 302/34 of the Indian Penal Code.

3. The case of the prosecution is that the informant along with her husband Achhaylal has gone to participate in satyasang at Agya Mathiya. As they reached near Babhanbara



Bazar, there was blockage on the road due to the fair. At the moment, the petitioners along with other 10 unknown persons arrived there. They started assaulting the driver and the husband of the informant. The driver called Rudal Bhagat and others to rescue. It is further alleged that the accused persons badly assaulted the husband of the informant and he died on the spot.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. From perusal of the F.I.R., it is clear that the nature of allegation is general and omnibus. There is no specific allegation against anyone. The allegation is against altogether 11 named and 10 unknown persons. From perusal of the postmortem report, it transpires that the doctor has found no external injury on the person of the deceased. Similarly situated two co-accused persons have already been granted regular bail by this Court vide order dated 24.01.2025 in Cr. Misc. No. 77013 of 2024.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Barharia P.S. Case No. 271 of 2024, they will be enlarged on 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 Additiional Chief Judicial Magistrate-III, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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