

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68408 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- SANICHARI District- West Champaran

1. Subhawati Devi W/o Sri Surendra Sah R/o Village- Pakarihar, P.S.- Shanichari, District- West Champaran
2. Surendra Sah S/o Sri Bhola Sah R/o Village- Pakarihar, P.S.- Shanichari, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Ram Kishan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 109(1), 352, 303(2) and 3(5) of the B.N.S..

3. As per prosecution case, it is alleged that all 8 F.I.R. named accused persons, including these petitioners, along with 10 to 12 unknown persons, assaulted on the head of son of informant with *lathi*, *danda* and iron rod and also looted household articles. During course of treatment, son of informant died.



4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assaulting on the head of the deceased is against co-accused Jai Kumar Sah. So far as these petitioners are concerned, there are general and omnibus nature of allegation and no specific accusation of overt act has been alleged against them. It is further submitted that as per prosecution case, all 8 named accused persons along with 10 to 12 unknown persons assaulted the deceased, however, in the *post mortem* report, doctor has found only three injuries on the body of the deceased which itself falsifies the entire prosecution case. Rest of the allegations are ornamental in order to make the case grave. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Shanichari P.S. Case No. 69 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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