

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85247 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. Prabhawati devi W/O Shivdhari Sahani Resident of village- Banarjhula Bhagwanpur, P.S- Pakaridayal, District- East Champaran
2. Gopal Sahani S/O Rijhan Sahani Resident of village- Banarjhula Bhagwanpur, P.S- Pakaridayal, District- East Champaran.
3. Shri Sahani S/O Rijhan Sahani Resident of village- Banarjhula Bhagwanpur, P.S- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Vijay Shankar Shrivastava, Adv.
		Ms. Ankita, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 23-06-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 447, 302, 323, 325, 504, 506 of the Indian Penal Code.

3. As many as 10 persons have been named in the FIR and there is an allegation that they all came variously armed with *lathi danda*, etc. and assaulted the brother of the informant who became very seriously injured whereafter he was taken for



treatment and he died during course of his treatment at PMCH on 26.12.2023.

4. Learned counsel for the petitioners submits that the FIR itself would make it clear that there is a general and omnibus allegation on 10 accused persons including the petitioners and the case was lodged after a substantial and unexplained delay as the occurrence is said to have taken place on 19.12.2023 and the present FIR was lodged on 28.12.2023 after the death of the deceased on 26.12.2023. The FIR also indicates land dispute as there is a reference to Section 144 Cr.PC. proceedings in the FIR itself. It is further submitted that the materials collected during the course of investigation also indicate that there are no external injuries on the person of the deceased as the inquest report itself indicates that no sign of any injury can be seen with naked eyes. The postmortem report also indicates that no external injury could be detected on the dead body of the deceased. The other injury reports issued by the treating doctors also do not indicate any injury on the person of the deceased except for some pain in the abdomen.

5. Learned APP for the State and learned counsel for the informant, however, oppose the prayer for anticipatory bail on the ground that the brother of the informant has died and there is



an allegation on these petitioners also.

6. Taking into consideration the fact that the deceased died after seven days of the occurrence and no statement of the deceased was also recorded during investigation and moreover, the medical evidence does not at all corroborate the oral account of an assault by ten accused persons, I am inclined to grant the privilege of anticipatory bail to the petitioners who have clean antecedent. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 the learned lower Court where the case is pending/successor Court in connection with Pakaridayal P.S. Case No.296 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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