

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90231 of 2024

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

1. Suratiya Devi @ Surat Devi W/o Siyaram Sahani R/o Village- Banarjhula Bhagwanpur, P.S.- Pakaridayal, District- East Champaran
2. Rijhan Sahani S/o Late Lobha Sahani R/o 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. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Vijay Shankar Shrivastava, Adv. Ms. Ankita, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 27-06-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. At the very outset, learned counsel for the petitioners submits that petitioner no.1 was granted bail vide earlier order dated 28.02.2025 and now, this application survives only for petitioner no.2.

3. The petitioner seeks bail 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.

4. 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.

5. Learned counsel for the petitioner submits that the FIR itself would make it clear that there is a general and omnibus allegation on 10 accused persons including this petitioner and the case was lodged after a substantial and unexplained delay of about nine days 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 would appear from a perusal of both the inquest report as also the postmortem report that no external injury could be seen or 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. There is no specific allegation on anyone and the petitioner has been languishing in custody since 30.08.2024 with no criminal antecedent. It is also pointed out by learned counsel for the petitioner that three other accused persons have already been granted the privilege of anticipatory bail by this Court vide order dated 23.06.2025 passed in Cr. Misc. No. 85247 of 2024.



6. Learned APP for the State and learned counsel for the informant, however, oppose the prayer for bail on the ground that there is involvement of the petitioner in the death of the deceased.

7. 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, the above named petitioner no.2 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pakaridayal P.S. Case No.296 of 2023, subject to the condition that petitioner no.2 would cooperate in the trial and would remain physically present in the learned Court below on each and every date during trial till the charges are framed in the case.

(Soni Shrivastava, J)

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