

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1637 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- MAKER District- Saran

1. Kailash Pati @ Kalasi Devi @ Kailash Pati Kuvar W/o- Dhram Nath Sah Resident of Makor, PS - Makor ,District- Saran
2. Nirmala Devi W/o- Mahendra Sah Resident of Makor Ps-Makor District-Saran
3. Kriti Devi @ Kriti Kumari W/o- Virendra Sah Resident of Makor Ps-Makor District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Santosh Kumar Deepak, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Ms. Shyamli Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-04-2025 Heard learned counsel appearing on behalf of the petitioners, learned A.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend his arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 118, 117(2), 352, 351(3) and 3(5) of the B.N.S. and later on Section 103 of the B.N.S. was added.

3. The prosecution case, in brief, is that on 19.07.2024 at night, all the F.I.R. named accused persons, including these petitioners, came at the door of informant, broke the door and entered into the house. It is further alleged that thereafter, all the



accused persons brutally assaulted informant and his wife as a result of which, during course of treatment, wife 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. As a matter of fact, both parties are *Gotiyas* and next door neighbors and due to petty dispute over hanging of eave (*Chhaja*), a simple *maar-peet* took place in which both sides sustained injuries. Allegation of assault is general and omnibus and there is no specific accusation of overt act against these petitioners. It is further submitted that in the *post mortem* report, only one injury was found on the body of deceased, which itself falsifies the entire prosecution case. Petitioners claim clean antecedents.

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

6. Considering the 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 A.C.J.M. 13th, Saran in connection with Maker P.S. Case No. 193 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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