IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38726 of 2026

CNR No. BRHC010533142026

Arising Out of PS. Case No.-159 Year-2025 Thana- BANIAPUR District- Saran

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Shatrughan Dubey @ Shatrudhan Dubey S/o Late Jagat Dubey Resident of village - Takhta Bhithi, P.S - Baniyapur, District - Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Brajbhushan Mishra, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 19-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Baniyapur P.S. Case No. 159 of 2025 registered for the alleged offences under Sections 127(1), 115(2), 118(1), 109, 103(1), 3(5) of BNS.

03. As per prosecution case, the petitioner and other co-accused persons in the background of land dispute abused and started assaulting the informant. Co-accused gave a knife blow to the neck of the informant, who shirked and the blow hit in the rib. When the mother of the informant and his elder brother intervened to save the informant, the petitioner pushed

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down the mother of the informant, who fell down and the assailant assaulted her with legs and fists. The mother of the informant died and the assailants fled away.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of assault against the petitioner and the allegation of assault is general and omnibus against a number of persons. The mother of the informant died a natural death and cause of death is stated to be cardio respiratory failure due to myocardial infraction. Taking advantage of the death of his mother, the informant, who is none other than the nephew of the petitioner, has roped in the petitioner and his whole family members in a false case. The mother of the informant died due to heart attack on 17.04.2025 but the informant has instituted the FIR on 20.04.2025 after due deliberation. The prosecution did not place the injury report for the injuries either of the informant or his brother or his mother. The land dispute is apparent from the averments made in the written report. Learned counsel further submits that other co-accused persons have been granted anticipatory bail by a learned Co-ordinate Bench vide order dated 29.08.2025 passed in Cr. Misc. No. 56676 of 2025. The petitioner is having clean

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antecedent and he is in custody since 13.03.2026. Charge sheet has been submitted.

05. Learned APP opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering the cause of death of the mother of the informant and further considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra/concerned Court in connection with Baniyapur P.S. Case No. 159 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

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(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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