

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71310 of 2025

Arising Out of PS. Case No.-292 Year-2024 Thana- BHAGWANPUR District- Vaishali

1. Baiju Sahni son of Ram Nandan Sahni Village- Banthu, P.S.- Bhagwanpur, District- Vaishali.
2. Shila Devi Wife of Baiju Sahni Village- Banthu, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv
For the Opposite Party/s : Ms. Renu Kumari, APP
For the Informant : Mr. Ashok Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-02-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Bhagwanpur P.S. Case No. 292 of 2024 registered for the offences punishable under Sections 103(1) and 3(5) of the BNS.

3. As per FIR, named co-accused persons including petitioners assaulted husband of informant causing head and other bodily injuries by using iron rod, spear, lathi etc. The husband of informant succumbed to death while receiving treatment in hospital.

4. It is submitted by learned counsel appearing on behalf of the petitioners that as per FIR informant, who claimed to be an eye-witness of the occurrence specifically stated that this



petitioner no. 1 was equipped with spear, which is a piercing weapon and, therefore, injury by all probability must be pointed and piercing in nature, but same appears not available from the post-mortem report. It is submitted that nature of allegation is appearing very much general and omnibus against petitioners, where occurrence took place out of previous enmities.

5. Arguing further, it is submitted that allegation of assault not appears available against petitioner no. 2, who is a lady of clean antecedent and her implication with the present case only appears for the reason being wife of petitioner no. 1.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail drew attention of this Court towards para no. 82 of the case diary, where independent witness namely Lala Manjhi while recording his statement under Section 180 of the BNSS categorically stated that only this petitioner was equipped with iron rod and spear and as such fatal head injury by all probability appears to be caused by petitioner no. 1 and as such he is not entitled for anticipatory bail.

7. In view of aforesaid factual submission as independent witness during the course of investigation stated that petitioner no. 1 was equipped with hard blunt object as iron rod, where post-mortem report suggests death as a result of injury



caused by hard blunt and heavy object, accordingly prayer of anticipatory bail of petitioner no. 1 namely Baiju Sahni is **rejected** herewith.

8. As the allegation of assault is appearing very much general and omnibus against petitioner no. 2 and independent witness could not see any weapon in her hand, accordingly petitioner no. 2 namely Shila Devi, in the event of her arrest or surrender before the trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Bhagwanpur P.S. Case No. 292 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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