

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86113 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- PANCHRUKHI District- Siwan

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1. Manish Sah Son of Late Mohan Sah Resident of Village - Baisakhi, P.S. - Sarai, Distt. - Siwan.
 2. Pankaj Sah Son of Harish Sah Resident of Village - Baisakhi, P.S. - Sarai, Distt. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 03-04-2026 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 109, 61(2), 351(2) and 3(5) of the B.N.S., 2023.
3. Learned counsel appearing on behalf of the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that her husband, namely, Boulder @ Balister Mahto and Dinanath Singh were shot by three unknown accused persons. It is next alleged that one of the accused identified her husband as Boulder @ Balister Mahto and took the name of Sudhir Sah, thus, alleges that the occurrence was committed at the instance of Sudhir Sah, petitioners and Ashish Sah.



4. Learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is alleged to have been committed by three unknown accused and the informant was not able to identify them but then the informant also alleges that one of the accused took the name of Sudhir Sah, thus, based on suspicion, it is alleged that Sudhir Sah along with the petitioners and Ashish Sah got the occurrence committed. It is next submitted that own brother of Sudhir Sah, namely, Sumant Kumar Gupta was opposing the husband of the informant, namely, Boulder @ Balister Mahto, who indulged in selling of wine, as such, Sumant Kumar Gupta got murdered and an FIR was instituted by the father of Sumant Kumar Gupta in which husband of the informant was made an accused. It is also submitted that since Sudhir Sah is own brother of Sumant Kumar Gupta and husband of the informant is facing criminal prosecution in a case of murder of own brother of Sudhir Sah, as such, the present false case came to be instituted implicating the petitioners even. It is further submitted that petitioner no. 2, namely, Pankaj Sah is own cousin of Sudhir Sah and petitioner no. 1, namely, Manish Sah is a friend of Sudhir Sah. It is next submitted that petitioner no. 2, namely, Pankaj Sah even



has deposed in the case instituted by the father of Sumant Kumar Gupta against the husband of the informant. It is also submitted that from perusal of the case diary, it manifests that there are no eyewitness to the occurrence. It is submitted that since the trial has commenced in the case of murder of Sumant Kumar Gupta, as such, the instant false case has been instituted in order to coerce the petitioners along with Sudhir Sah into submission. It is further submitted that no doubt, allegation is of causing firearm injury to the husband of the informant and Dinanath Singh but then the injury suffered by them has been opined to be simple in nature. It is next submitted that it might be a ploy by the husband of the informant for coercing Sudhir Sah and his family members into submission. It is also submitted that apart from suspicion, nothing has come during the course of investigation connecting the petitioners with the offence. It is submitted that petitioner no. 1 has a medical shop and petitioner no. 2, after completing his Graduation from Jaunpur University (U.P.), is currently pursuing B.Ed. from Lucknow University as has been pleaded at para 4 of the supplementary affidavit.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners but then fairly submits after perusing the case diary that the injury suffered by the injured has been opined to be simple in nature and there are no eyewitness to



the occurrence but then submits that if the privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond on which learned counsel appearing on behalf of the petitioners submits that if the privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Pachrukhi P.S. Case No. 326 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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