

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86092 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- MASHRAK District- Saran

1. Jay Prakash Sah son of Krishna Sah Resident of Vill- Mashrakh, Ps- Mashrakh, Dist- Saran
2. Rahul Sah @ Rahul Kumar son of Jitendra Sah Resident of Vill- Mashrakh, Ps- Mashrakh, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-02-2026 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita to which Section 103 BNS was added later on.

3. As per prosecution case, informant, namely Mishri Sahni, alleged that on 12.04.2024 at about 8 PM, all the F.I.R. named accused persons, including these petitioners, armed with *lathi* and *danda*, came and started abusing the informant and on objection, all of them assaulted the informant. It is further



alleged that when the family members of the informant came to save him, they were also assaulted.

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 on account of petty dispute, simple *maar-peeet* took place in which both sides inflicted injuries on each other. Case and counter-case. Allegation of assault is general and omnibus and no accusation of any specific overt act has been alleged against these petitioners. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Court *vide* order dated 12.11.2025 passed in Cr. Misc. No. 67046 of 2025. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case 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 Additional Chief Judicial Magistrate-VII, Saran at Chapra in connection with Masrakh P.S. Case No. 190 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S.

(Prabhat Kumar Singh, J)

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