

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89725 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- PIRO District- Bhojpur

1. Sanjiwan Mushar S/O Late Mahangu Mushahar R/O Devchanda Mushahar Tola, P.S- Piro, Distt.- Bhojpur.
2. Munni Devi W/O Sanjiwan Mushar R/O Devchanda Mushahar Tola, P.S- Piro, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 25-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 103, 238, 303 (2) and 3 (5) of the BNS.

3. The case of the prosecution, in short, is that the petitioners along with others had assaulted the husband of the informant by means of '*lathi*' and '*danda*'.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that from perusal of the FIR it is clear that the informant is not an



eye witness to the occurrence. She came to know that her husband was being assaulted by the petitioners and others. It is further submitted that the nature of allegation in the FIR is general and omnibus without any specific overt act against the petitioners. It is further submitted that from perusal of the postmortem report, it would transpire that the doctor, who conducted the autopsy, found the following ante-mortem injuries on the person of the deceased: abrasion over both forearm, abrasion over neck, bruises present all over body, lower abdomen, arm, forearm, lower limb, knee, thigh, fracture of rib bone, fracture of skull bone. Both hand and leg banded with towel, mud, sand over hand, leg and body. The doctor has opined that the cause of death is submerged in water leading to *Asphyxia*. It is further submitted that the ante-mortem injuries are superficial in nature and cause of death being drowning does not support the prosecution case, of assault leading to death. Moreover, the petitioners are languishing in judicial custody since 16.03.2025 having no criminal antecedent.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioners on



bail. The above named petitioners are directed to be released on bail in connection with Piro P.S. Case No. 75 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara.

(Ashok Kumar Pandey, J)

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