

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87421 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- Benta District- Darbhanga

1. Ashwini Vatsya @ Ashwani Vats Son of Prem Shankar Jha Resident of Village - Banagaon, P.S. - Banagaon, District - Saharsa.
2. Awanish Vats @ Avnish Vatsya Son of Prem Shankar Jha Resident of Village - Banagaon, P.S. - Banagaon, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Ms. Kriti Suman Tiwary, Advocate
		Ms. Preety Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-04-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 103, 61, 3(5) of the B.N.S., 2023 and Sections 25(1-b)a, 26 and 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent the informant alleges that he received an information on 05.08.2025 at 5.30 P.M. that his son Rahul was shot at DMCH gate, further his son was shot by Prem Shankar Jha, father of Tanu Priya, accordingly



he came to the place of occurrence and came to know that Prem Shankar Jha along with his sons i.e. petitioners and wife Gunjan Kumari had come, next alleges that his son about two months back had performed love marriage with Tanu Priya, daughter of Prem Shankar Jha, as they were studying in first year of nursing at B.Sc. Nursing College, next alleges that Prem Shankar Jha had threatened earlier to kill and had also filed a case at Banagaon P.S. and statement of Tanu Priya was recorded in the Court, thereafter Tanu Priya came at informant's place.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence. It is next submitted that the allegations are in two parts, in the first part, the informant alleges that on 05.08.2025 at 5.30 P.M. he received an information that his son was killed by Prem Shankar Jha, thereafter he came to the place of occurrence and there he came to know that Prem Shankar Jha was accompanied by petitioners and his wife, but then it is submitted that the FIR does not even remotely disclose that who informed the informant about the presence of the petitioners at the place of



occurrence. It is next submitted that son of the informant had married the daughter of Prem Shankar Jha and the marriage was being opposed by Prem Shankar Jha as such he had instituted a criminal case, but then his daughter did not support the case instituted by her father and being a major came to the house of the informant, as such tension was brewing in between the family on account of marriage in between son of the informant and daughter of Prem Shankar Jha, as such the entire family members of Prem Shankar Jha came to be implicated in the instant case. It is also submitted that the informant does not allege that petitioners fired causing death of his son. It is next submitted that petitioners are students and are pursuing law and if they are sent to judicial custody in the nature of allegations as alleged, their entire career would get jeopardized and chances are bright that they may come in contact with hardened criminals. It is also submitted that if privilege of anticipatory bail is granted to the petitioners, petitioners will not abscond rather will cooperate in the investigation to prove their innocence that they were not present at the place of occurrence when the occurrence is alleged to have taken place. It is also submitted that bail application of Prem Shankar Jha already stands rejected.



5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the FIR does not even remotely disclose that as to who disclosed to the informant about the presence of the petitioners at the time of occurrence when the occurrence took place nor the informant alleges that he received information that his son was shot by the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioner 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 Benta P.S. Case No.133/2025, corresponding to G.R. No.3387/2025, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners



despite giving assurance to this court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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