

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51461 of 2024**

Arising Out of PS. Case No.-36 Year-2024 Thana- KOTWA District- East Champaran

1. Ram Kishun Sah S/o Late Rudal Sah R/o vill - Bhopatpur, Choube Tola, P.S. - Kotwa, Distt. - East Champaran
2. Rahul Sah @ Rahul Kumar S/o Ram Kishun Sah R/o vill - Bhopatpur, Choube Tola, P.S. - Kotwa, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      21-08-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending arrest in connection with Kotwa (Bhopatpur) P.S. Case No. 36 of 2024 dated 11.02.2024, lodged under Sections 447, 323, 324, 308, 354, 379, 504, 506, 34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, East Champaran, Motihari.

3. As per the prosecution story, FIR has been lodged against three named accused persons including the present petitioners against whom there is an allegation that they have assaulted the informant by iron rod.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that petitioner's side and informant's side both are well known to each other and they are neighbours and on petty land dispute, the scuffling took place. Counsel further submits that there is case and counter case in the present matter i.e. one case has been lodged from the petitioner's side bearing Kotwa P.S. Case No.37 of 2024 and one case has been lodged from the informant's side bearing Kotwa P.S. Case No.36 of 2024. Counsel further submits that the criminal antecedent of the petitioners are not clean as there are two criminal cases pending against them in which in both the cases, they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that in the FIR, there is specific allegation against the present petitioners of assault though, injury is not present on record. Counsel further submits that the criminal antecedent of the petitioners are also not clean as there are two criminal cases pending against them.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for anticipatory bail of the



petitioners is hereby rejected with liberty granted that in case, they surrendered within four weeks, then the Trial Court is directed to pass order on their surrender-cum-bail application on the same day observing the injury without being prejudice that their anticipatory bail has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

Divyansh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

