

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7185 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- RAMGARHWA District- East
Champaran

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1. Babulal Kushwaha S/O Sunarman Mahto R/o village- Baudha P.S.-
Ramgarhwah, Dist- East Champaran
 2. Om Prakash Kushwaha S/O Babulal Kushwah R/o village- Baudha P.S.-
Ramgarhwah, Dist- East Champaran.
 3. Raj Kumar Kushwaha S/O Babulal Kushwah R/o village- Baudha P.S.-
Ramgarhwah, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with
Ramgarhwa P.S. Case No. 162 of 2024 dated 09.07.2024
registered under Section 126(2), 115(2), 118(1), 109 (1), 303(2),
351 (3), 352, 3(5) of the B.N.S., 2023.

3. As per the prosecution case on 08.07.2024 while the
informant was sitting at the door of his house, all the accused
persons including the petitioners arrived there armed with
“lathi”, “danda” and iron rod and demanded for measurement of
his land. It has further been alleged that on the order of the
petitioner no. 1- Babulal Kushwaha, the petitioner no. 2



assaulted the brother of the informant namely, Brajesh Kushwaha with iron rod due to which he sustained fracture on his hand and the petitioner no. 3 assaulted with “lathi” upon the son of the informant namely, Prem Ranjan on his head due to which he sustained head injury.

4. Learned counsel for the petitioners submits that there is admitted land dispute between the parties. The petitioners side had filed a case bearing Ramagarhwa P.S. Case No. 139 of 2023 against the informant and others and the present F.I.R. has been lodged in retaliation of the same. The injury caused to the son of the informant is simple in nature and the injuries caused to the brother of the informant are simple in nature except one injury which has been described as pain with swelling of right forearm which has been opined as grievous upon x-ray finding of mild displaced fracture. Accordingly, submission is that it is not on the vital part of the body. The co-accused / Chandan Kumar has been granted anticipatory bail by this court in Cr. Misc. No. 84934 of 2024.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is land dispute between the parties, a case was earlier filed by the side of the petitioners against the informant and others, the co-accused has



been granted anticipatory bail and the injuries caused to the victims are simple in nature except one injury which is on the non vital part of the body, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Motihari East Champaran at Motihari in connection with Ramgarhwa P.S. Case No. 162 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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