

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6743 of 2025

Arising Out of PS. Case No.-72 Year-2020 Thana- GHORASAHAN District- East Champaran

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1. Rajesh Sah @ Rakesh Sah S/O Ramjash Sah Resident of village - Athmohan (Athamohan), P.S- Jharokhar District- East Champaran
 2. Ram Prakash Sah @ Ram Prakash Kumar S/O Shivjee Sah Resident of village - Athmohan (Athamohan), P.S- Jharokhar District- East Champaran
 3. Santosh Sah @ Santosh Kumar S/O Ramjash Sah Resident of village - Athmohan (Athamohan), P.S- Jharokhar District- East Champaran
 4. Shri Bhagwan Sah S/O Shivjee Sah Resident of village - Athmohan (Athamohan), P.S- Jharokhar District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-03-2025 1. Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Ghorasahan (Jharokhar) Police Station Case No. 72 of 2020, disclosing offences under Sections 147, 149, 341, 323, 307, 338, 379 of the Indian Penal Code.

3. As per the prosecution case, on 24.02.2022, co-accused Ramashish Sah was constructing a house encroaching upon the road/passage and when the informant went to object the construction, the petitioners, along with other accused persons, total 11 in numbers, assaulted the informant by means of lathi, danda, bricks, etc. and after alarm being raised, the family members of the informant arrived. The accused persons also assaulted them by bricks, stone, lathi, danda, etc. due to



which they sustained injury.

4. Learned Counsel for the petitioners submits that petitioners have not committed any offence as alleged and the present FIR has been lodged due to land dispute between the parties. The Circle Officer had wrongly given 7 feet of the ancestral land to the side of the informant having Khata No. 454, Khesara No. 6650 which was challenged by the side of the petitioners before the S.D.M. and the S.D.M., Sikrahana, arrived at the finding that land in question is ancestral land of the petitioners side. The police after investigation submitted final form exonerating the petitioners and not sending them for trial, however, the learned magistrate took cognizance against the petitioners also under Section 307 of the IPC and issued summon but summon was not served upon the petitioners and without service report of the summon, the non-bailable warrant of arrest has been issued against the petitioners. A counter case has also been lodged by the side of the petitioners bearing Ghorasahan (kharokhar) P.S. Case No. 71 of 2020 which is prior in time to the present FIR. The injuries caused to the victims are simple in nature as stated in Para 8 of this application.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that



there is a land dispute between the parties, case and counter case is also there and the police after investigation submitted final form not sending the petitioners for trial and the injuries caused to the victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran, in connection with Ghorasahan (Jharokhar) Police Station Case No. 72 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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