

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15535 of 2025

Arising Out of PS. Case No.-46 Year-2022 Thana- PAHARPUR District- East Champaran

1. Dhananjay Prasad @ Dhananjay Kumar S/O Ajay Prasad Resident of Village- Noneya Nayka Tola, P.S- Paharpur, District- East Champaran.
2. Ajay Prasad S/O Nagendra Prasad Resident of Village- Noneya Nayka Tola, P.S- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Paharpur P.S. Case No. 46 of 2022 registered on 21.02.2022 for the offences punishable under Sections 341, 323, 324, 325, 308, 354B, 379, 504, 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against six named accused persons, including the petitioners, alleging that all the accused persons forcefully dug potatoes from the informant's field. Upon protest, petitioner no. 2 assaulted the informant on the head with a farsa, causing a head



injury, whereas petitioner no. 1 assaulted the informant's brother with a lathi, causing injury to his right hand.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offense, but under a conspiracy, the entire family of the petitioners, including the petitioners themselves, has been made accused in the present case. He further submits that for the same place, date, and occurrence, FIRs have been lodged from both sides. The petitioners' side lodged Paharpur P.S. Case No. 45 of 2022, whereas the informant's side lodged the present case, i.e., Paharpur P.S. Case No. 46 of 2022. The accusations are made in the context of a land dispute, which is evident from the contents of the F.I.R. The antecedents of the petitioners are not clean, as they are accused in another criminal case, but they are currently on bail in that case.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that for the same date and place of occurrence, there is case and counter case between the parties.

6. Considering the fact that the allegation has been levelled in the background of land dispute, let the above named petitioners be released on anticipatory bail, in the event of



arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the ACJM-9th, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 46 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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