

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18338 of 2025

Arising Out of PS. Case No.-94 Year-2020 Thana- KALYANPUR District- East Champaran

1. Bhagirath Yadav @ Bhagirath Rai S/o Late Badri Rai Resident of village- Gariwa Tola Balua, P.S.- Kalyanapur, District- East Champaran
2. Bigan Rai S/o Late Badri Rai Resident of village- Gariwa Tola Balua, P.S.- Kalyanapur, District- East Champaran
3. Naresh Rai S/o Late Badri Rai Resident of village- Gariwa Tola Balua, P.S.- Kalyanapur, District- East Champaran
4. Chandeshwar Rai S/o Late Nandu Rai Resident of village- Gariwa Tola Balua, P.S.- Kalyanapur, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Rashmi Jha, Advocate
		Mr.Abhishek Kumar, Advocate
For the Opposite Party/s :		Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard Mrs. Rashmi Jha, learned counsel for the

petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., and apprehending their arrest in connection with Trial No. 2022 of 2024 arising out of Kalyanpur P.S. Case No. 94 of 2020 registered for the offences punishable under Sections 341, 342, 323, 324, 325, 354(B), 307, 379, 435, 427, 504, 34 of the Indian Penal Code.

3. The allegation against the petitioners is to assault



the informant and others by means of lathi and Dab (sharp edged cutting weapon) causing head and bodily injury, which was alleged to be caused with intention to cause their death. The occurrence was taken place in the background of land dispute.

4. Mrs. Rashmi Jha, learned counsel appearing on behalf of the petitioners submitted that all petitioners was on police bail during investigation and police after investigation submitted charge-sheet against bailable offence under Section 341, 323, 325, 504, 34 of the I.P.C. through charge-sheet No. 115/2022 dated 20.08.2022, but by taking a different note, learned Judicial Magistrate, 1st Class, Motihari, East Champaran took cognizance for the offences under Sections 341, 342, 323, 324, 325, 354(B), 307, 379, 435, 427, 504 & 34 of the I.P.C. vide order dated 02.07.2024.

5. It is submitted that nothing transpired during investigation regarding misuse of police bail by these petitioners, rather they cooperated in the investigation as and when called for.

6. It is further submitted that injuries, as alleged to be



inflicted by the petitioners, appears simple in nature and none of them appears to be caused by sharp edged cutting weapon, as alleged.

7. While concluding argument, it submitted that both parties are agnates having land dispute and, moreover, petitioners have got no criminal antecedent. It is pointed out that as investigation of this case is already completed, charge-sheet has already submitted, there is no requirement of judicial custody of the petitioners.

8. Learned A.P.P. for the State duly assisted by Mr. Sunny Kumar, learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioners, submitted that petitioners actively participated during the occurrence and assaulted the informant and other injured persons.

9. In view of the aforesaid factual submissions and by taking note of the fact as petitioners were on bail during investigation, which was not misused by them, coupled with fact as charge-sheet has already submitted in this case, as such, there is no chance of tampering with the evidence,



accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Trial No. 2022 of 2024 arising out of Kalyanpur P.S. Case No. 94 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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