

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18310 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- KARAKAT District- Rohtas

1. Kamlesh Kumar @ Kamlesh Ram @ Kamlesh Kumar Ram S/O Late Ram Bahadur Ram R/O Village- Burhwal, P.S.- Karakat, District- Rohtas
2. Om Prakash Kumar @ Gariban Ram @ Gariban S/O Late Ram Bahadur Ram R/O Village- Burhwal, P.S.- Karakat, District- Rohtas
3. Ramesh Ram @ Ramesh Kumar Ram S/O Late Ram Bahadur Ram R/O Village- Burhwal, P.S.- Karakat, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Adv.
For the State : Mr. Gauri Shankar Gupta, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 118, 118(2), 303(2) and 352 of the B.N.S., 2023.

3. As many as 15 persons have been made accused in the present FIR including female members of the family on whom there is an allegation that they have assaulted the informant and his three sons, namely, Sonu Kumar, Sanjeet Ram and Ram Pravesh Ram by means of *lathi*, bricks, etc.

4. Learned counsel for the petitioners submits that the



petitioners and the informant are next door neighbours and are also *pattidars* and it would be apparent from a reading of the FIR itself that there is a dispute between the parties with regard to a common wall. It is further submitted that there is general and omnibus allegation on all the accused persons and nothing specific has been alleged against the present petitioners. It is also submitted that there is case and counter case between the parties and a case has also been filed by the brother of the petitioners against the informant and her family members which has been annexed as Annexure-P/2 to the present petition. So far as the injuries are concerned, it would appear from the injury reports of four injured persons, which is available on record along with the case diary, that all the injuries have been caused by hard and blunt substance and they are all simple in nature except one injury suffered by injured Ram Pravesh Ram, but such injury is also in the form of swelling in the lower limb and has been caused by hard and blunt substance. On strength of such facts, learned counsel for the petitioners submits that since dangerous weapons have not been used in the commission of the alleged occurrence, the offences as alleged in the FIR are not made out. It is lastly submitted that petitioners have no criminal antecedent as



mentioned in para 3 of the bail application and the matter arises out of a dispute between neighbours.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Karakat P.S. Case No. 578 of of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, the petitioners are directed to cooperate in the process of investigation and trial and also make themselves available before the Investigating Officer of the concerned Police Station at an interval of every 15 days till charge sheet is submitted in the present case.

(Soni Shrivastava, J)

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