

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22979 of 2025

Arising Out of PS. Case No.-449 Year-2024 Thana- BAIRIYA District- West Champaran

1. Arvind Patel @ Arvind Kumar S/o Bhagrasan Prasad R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran
2. Prabhu Patel @ Prabhu Prasad S/o Pati Ram Patel @ Pati Ram R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran
3. Manoj Patel @ Manij Prasad @ Manoj Prasad S/o Pati Ram Patel @ Pati Ram R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran
4. Kamlesh Patel @ Kamlesh Kumar Patel S/o Suresh Patel R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran
5. Sandeep Kumar Patel @ Sandeep Patel S/o Virendra Patel @ Birendra Prasad Patel @ Virendra Prasad Patel R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran
6. Aman Kumar Patel @ Amar Patel S/o Virendra Patel @ Birendra Prasad Patel @ Virendra Prasad Patel R/o vill - Bhitahan Mathiya, ward no. 6, P.s.- Bairiya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Ashok Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Bairiya P.S. Case No. 449 of 2024, dated 16.12.2024, lodged under Sections 191(2), 126(2), 115(2), 118, 109, 352 of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).



3. As per the prosecution, FIR has been lodged against 13 named accused persons, including the present petitioners, alleging that they, in connivance with each other, surrounded the informant and started putting pressure for the registry of the land, during which a scuffle took place. A specific allegation against Manoj Patel is that he assaulted the informant on the head with an iron rod, due to which he caused injury. The allegation against Kamlesh Patel is that he strangled the informant's neck. There are also several allegations against the other accused persons, stating that they too strangled the informant's neck and assaulted his back.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that both the petitioners and the informant are residents of the same village, and are well known to each other, and basically they are *gotiyas*. Due to a petty dispute, a scuffle took place among the *gotiyas*, as a result of which, for the same date and place of occurrence, a case and a counter-case have been filed by both sides, i.e., Bairiya P.S. Case No. 448 of 2024 was lodged by the petitioners' side, and Bairiya P.S. Case No. 449 of 2024 was lodged by the informant's side.



5. Counsel further submits that even if the allegations are treated as true, the specific allegation is only against one accused person, namely Manoj Patel, while the allegations against the rest are general and omnibus in nature. Counsel also submits that petitioner no. 1 has no criminal antecedents, whereas the remaining petitioners have the same. There is one criminal case pending against petitioner no. 2, in which he is on bail, two criminal cases are pending against petitioner no. 3, in which he is on bail, five criminal cases are pending against petitioner no. 4, in which he is on bail, and three criminal cases are pending against petitioners no. 5 and 6, in which they are on bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that, except for petitioner no. 1, the criminal antecedents of the other accused persons are not clean. Counsel further submits that there is a specific allegation against petitioner no. 3 of assaulting the informant on the head with an iron rod, causing injury.

7. Learned APP for the State opposes the prayer for bail of the petitioner.

8. As such, in the present facts and circumstances of this case, let the petitioner No. 1, namely, Arvind Patel @



Arvind Kumar, petitioner No. 2, namely, Prabhu Patel @ Prabhu Prasad, petitioner No. 4, namely, Kamlesh Patel @ Kamlesh Kumar Patel, petitioner No. 5, namely, Sandeep Kumar Patel @ Sandeep Patel, petitioner No. 6, namely, Aman Kumar Patel @ Amar Patel, be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of ACJM 3rd, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 449 of 2024 , subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

9. So far as the bail application of the petitioner No. 3, namely, Manoj Patel @Manij Prasad is concerned, his bail application is hereby **rejected**.

(Dr. Anshuman, J.)

Aman Kumar/-

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