

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22691 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- PIPRA District- East Champaran

1. Sharedha Devi @ Sharada Devi W/o Krishna Prasad @ Krishna Prasad Kushwaha R/O Village- Chintamanpur, Khas Tolas, P.S- Pipra, Distt.- East Champaran, Motihari.
2. Dahaur Prasad @ Dahaur Bhagat S/O Late Dukhharan Bhagat R/O Village- Chintamanpur, Khas Tolas, P.S- Pipra, Distt.- East Champaran, Motihari.
3. Prabha Devi W/O Dahaur Prasad @ Dahaur Bhagat R/O Village- Chintamanpur, Khas Tolas, P.S- Pipra, Distt.- East Champaran, Motihari.
4. Umesh Bhagat @ Bhagat S/O Phaguni Bhagat R/O Village- Chintamanpur, Khas Tolas, P.S- Pipra, Distt.- East Champaran, Motihari.
5. Mahesh Bhagat @ Bhagat S/O Phaguni Bhagat R/O Village- Chintamanpur, Khas Tolas, P.S- Pipra, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025 Heard Learned counsel for the petitioners and

Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Pipra P.S. Case No. 376 of 2024, lodged on 15.12.2024, for the offence punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 74, 303(2), 352, 351(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioners,



with the allegation that petitioner no. 2 has assaulted the son of the informant and petitioner no. 4 and 5 have assaulted the informant, against co-accused, Krishna Prasad there is allegation that he has also assaulted the daughter-in-law of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the cause of dispute has already been explained in the FIR that for the purpose of agriculturing the field, the dispute has arisen, subsequently matter was cool down, but even thereafter, in the early morning, eight accused persons have reached at the house of the victim and assaulted the informant and his family members by weapons specifically mentioned in the FIR. Learned Counsel further submits that for the same date and place of occurrence, there are case and counter case have been filed. Informant's side has filed Pipra P.S. Case No. 376 of 2024 and the petitioner's side has filed Pipra P.S. Case No. 375 of 2024. Counsel submits that the injury has been sustained by both sides. Counsel also submits that case diary has been called for and in the case diary, the injury of the informant has been attached. Both parties are resident of the same village and for the agricultural work, scuffling took place.



5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the injury which has been caused to the informant is by petitioner nos. 4 and 5.

6. Counsel for the informant vehemently opposes the prayer for bail and submits that it is true that scuffling took place between both the sides and two FIRs have been filed, but it is also true that in the case diary, injury report of the informant is attached, in which there were total 5 injuries on the informant out of which four injuries are simple and one injury is grievous in nature.

7. As such, in the present facts and circumstances of this case, let petitioner no. 1 namely, Shredha Devi, petitioner no. 2 namely, Dahaur Prasad and petitioner no. 3 namely, Prabha Devi 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 Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of S.D.J.M., East Champaran, Mothihari, in connection with Pipra P.S. Case No. 376 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.



8. So far as petitioner no. 4 namely, Umesh Bhagat and petitioner no. 5 namely, Mahesh bhagat are concerned, this Court is not inclined to grant bail to them. Accordingly, the prayer for anticipatory bail of petitioner no. 4 and 5 are hereby rejected.

9. However, if petitioner no. 4 and 5 surrender before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the merit of the case, on the same day without being prejudice that the anticipatory bail application of the petitioner nos. 4 and 5 have been rejected by this Court.

(Dr. Anshuman, J)

Ankit Kumar/-

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