

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22667 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- MAINATAND District- West Champaran

1. Upendra Sah @ Upendra Kumar S/O Ramchandra Sah R/O Rampurwa, P.S.- Mainatand, District- West Champaran.
2. Nirpendra Sah @ Nirpendra Kumar @ Pramindra Kumar S/O Ramchandra Sah R/O Rampurwa, P.S.- Mainatand, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Mainatand P.S. Case No. 218 of 2024, registered for the offences punishable under Sections 191(2), 190, 115(2), 126(2), 109 and 303(2) of Bharatiya Nyaya Sanhita.

3. The allegation against both above named petitioners is to assault the informant and others during the course of occurrence alongwith co-accused persons/family members, causing head and bodily injuries with intention to cause their death, where occurrence alleged to be arising out of land dispute.



4. Learned counsel appearing on behalf of the petitioners submitted that from the facial perusal of FIR, it can be gathered safely that no allegation *qua* physical assault appears available against petitioners. It is submitted that the maximum allegation which is available against petitioner no. 1 is to snatch the locket during the course of occurrence, whereas same is also not even available against petitioner no. 2 and was implicated only for the reasons that he is the family members of the main co-accused persons. It is submitted that admittedly occurrence took place in the background of land dispute. While concluding argument, it is submitted that for the same set of occurrence petitioner's side also lodged a case prior to this case against informant and others, which was registered as Mainatand P.S. Case No. 217 of 2024 and, therefore, occurrence appears free fight in nature, negating intention to cause death. It is pointed out that both parties received injuries during the course of occurrence. Petitioners are said to be involved in one more criminal case with same informant, where they are on bail.

Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as allegation *qua* physical assault *prima facie* not appears available against both above named petitioners,



accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran/concerned Court, where the case is pending in connection with Mainatand P.S. Case No. 218 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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