

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28455 of 2025

Arising Out of PS. Case No.-375 Year-2024 Thana- PIPRA District- East Champaran

1. Dhuman Bhagat Son of Late Sanehi Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
2. Bhola Bhagat son of Dhuman Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
3. Amarjeet Bhagat son of Dhuman Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
4. Ramlal Bhagat @ Ramlal Prasad son of Late Nathuni Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
5. Ganesh Bhagat Son of Late Nathuni Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
6. Gauri Bhagat @ Gauri Shankar Bhagat @ Gauri shankar Prasad Son of Late Nathuni Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
7. Ruplal Bhagat @ Prasad son of Late Nathuni Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
8. Balindar Bhagat @ Dhora Bhagat son of Ramji Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
9. Anat Bhagat @ Anat Prasad @ Prasad son of Ganu Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
10. Sangeeta Devi wife of Bhola Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran
11. Shail Devi Wife of Dhuman Bhagat Village- Chirtamanpur PS- Pipra Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 23-07-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in



connection with Pipra P.S. Case No. 375/2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 74, 303(2), 352, 351(2), 3(5) of the B.N.S.S.

3. As per prosecution case, petitioners and others armed with weapon came at the door of the informant and started abusing him. It is alleged that petitioner no.1 who is said to have assaulted Dahaur Prasad who is brother of the informant by means of *farsa* as a result of which he sustained injury on head and finger, petitioner no.2 who is said to have assaulted the informant by means of *iron rod* as a result of which he sustained injury on head, petitioner no.3 who is said to have assaulted Balendra Bhagat who is family members of the informant by means of *lathi* as a result of which he sustained injury on finger, petitioner no.6 who is said to have assaulted Sonam Kumari who is daughter of the informant by means of *iron rod* as a result of which she sustained injury on finger, petitioner no.9 who is said to have assaulted Nitu Kumari as a result of which she sustained injury on head and petitioner no.10 who is said to have snatched golden chain from the neck of Sonam Kumari.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. The petitioners bear no criminal antecedent.



Though, there is specific allegation against petitioner nos. 1, 2, 3, 6, 9 and 10 who are said to have assaulted the informant and his family members but the injuries sustained by informant and his family members are simple in nature, except injury no. 4 of informant which is caused by petitioner no. 2. There is no specific allegations against petitioner nos. 4, 5, 7, 8 and 11 rather the allegations are general and omnibus in nature. As per prosecution story, both parties are *gotiya* and there is a civil dispute between the parties and Partition Suit no. 192/2024 is pending before the Civil Court, Motihari. There is case and counter case between the parties on the same date of occurrence and free fighting cannot be ignored. He further submits that date of occurrence is 11.12.2024 and FIR has been lodged on 15.12.2024 there is delay of four days, which questions the authenticity of the FIR. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid sections.

5. The learned A.P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners and submit that there is specific allegation petitioner no.2 who is said to have assaulted the informant by means of iron rod as a result of which he



sustained head injury and the same is grievous in nature as per injury report and hence, petitioner no. 2 does not deserve bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named **except petitioner no.2**, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on 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 S.D.J.M., Motihari Sadar, East Champaran in connection with Pipra P.S. Case No. 375/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. So far as petitioner no. 2, namely, **Bhola Bhagat** is concerned, there is specific allegation against him that he assaulted the informant by means of *iron rod* as a result of which he sustained head injury and the injury report of informant reveals that informant sustained grievous injury. Hence, I am not inclined to grant the privilege of anticipatory bail to the petitioner no.2. Accordingly, prayer for anticipatory bail of the petitioner no.2 is hereby rejected.



9. However, in case the petitioner no.2 surrenders before the concerned court within six weeks from the date of receipt of the order and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by the order of this Court.

10. Accordingly, the application stands disposed of.

(Alok Kumar Pandey, J)

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