

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29053 of 2025

Arising Out of PS. Case No.-624 Year-2024 Thana- MADHAURAH District- Saran

1. Renu Devi W/o Vijendra Bhagat R/o Village- Kolua @ Koluha, P.S.- Marhaura, District- Saran at Chapra
2. Vikash Kumar Bhagat @ Vikash Kumar S/o Vijendra Bhagat R/o Village- Kolua @ Koluha, P.S.- Marhaura, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Marhaura P.S. Case No. 624 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. Based upon the written report, it is alleged that on the fateful day at about 08:30 AM, while the son of the informant was engaged in digging his land, in the meanwhile, all the FIR named accused persons came there and started abusing her son. When the same was protested, all of them started assaulting the informant's husband and her son. It is



further alleged that later on some other accused persons also came there, who have also assaulted both of them, due to which they sustained serious injuries.

4. Learned Advocate for the petitioners contended that in fact on account of a land dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the sides. However, the prosecution failed to explain the injuries sustained to the petitioners side. There is a counter version of the present case being Marhaura P.S. Case No. 625 of 2024 instituted by the uncle of the petitioner no. 2; in the said case, father of the petitioner no. 2 has also sustained head injury. Taking this Court through the impugned order, it is further contended that so far the injury sustained to the son of the informant is concerned, the same has been found to be simple in nature, whereas one of the injury sustained to the husband of the informant is found to be grievous in nature, which has not been specifically attributed against anyone. It is lastly contended that the petitioners have fair antecedent and they undertakes that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that nine persons have been made accused in the case with omnibus nature of allegation, coupled with their fair antecedent and the factum of case and counter case, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate - 1st Class, Saran at Chapra in connection with Marhaura P.S. Case No. 624 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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