

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28184 of 2025

Arising Out of PS. Case No.-448 Year-2024 Thana- BAIRIYA District- West Champaran

1. Nitesh Patel S/O Sanesh Patel R/O Village- Bhitaha, Mathiya, P.S- Bairiya, Distt.- West Champaran.
2. Ajay Patel S/O Suresh Patel R/O Village- Bhitaha, Mathiya, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in a case in connection with Bairiya P.S. Case No. 448 of 2024 dated 16.12.2024, registered for the offences punishable under Sections 191(2), 126(2), 115(2), 118, 109, 303(2), 326(1) and 352 of the BNS.

3. As per the prosecution case, on 15.12.2024 at about 04:30 PM, the FIR named accused persons armed with lathi, danda, iron-rod and farsa came on the land of the informant and abused him and dragged him near the house of Suresh Patel. Nitesh Patel (petitioner no. 1) caught hold of the



informant and Suresh Patel with an intention to kill assaulted the informant by means of iron-rod on his head due to which informant fell down on earth. Sanjay Patel also assaulted the informant by means of lathi. When the wife of informant came to his rescue, she was assaulted and Ajay Patel (petitioner no. 2) who also snatched her mangalsutra.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case due to land dispute. It is submitted that the present case is the counter blast of Bairiya P.S. Case No. 449 of 2024, lodge by the father of petitioner no. 2 against the informant and his family members and to put pressure on the petitioners the present false case has been lodged by the informant's side against the petitioners' side. Both the parties are agnates. The petitioner no. 1 has got one criminal antecedent and petitioner no. 2 has got two criminal antecedents as mentioned in paragraph no. 3 of the bail application.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the



petitioners, let the petitioners named-above, in the event of their arrest / surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bettiah, West Champaran, in connection with **Bairiya P.S. Case No. 448 of 2024**, subject to conditions as laid down under Section 482(2) of the BNSS, on further condition:

(i) The petitioners are directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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