

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31609 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- UCHKAGAON District- Gopalganj

1. Bhagwan Sah @ Bhagwan Ji Saha S/o Late Ramnaresh Sah R/o vill - Dahibhatha, P.S.- Uchkagaon, Distt.- Gopalganj
2. Basudev Prasad @ Basudev Sah S/o Late Ramnaresh Sah R/o vill - Dahibhatha, P.S.- Uchkagaon, Distt.- Gopalganj
3. Satydeo Prasad @ Satydeo Sah S/o Late Ramnaresh Sah R/o vill - Dahibhatha, P.S.- Uchkagaon, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivendra Kumar Sinha, Advocate Mr. Divit Vinod, Advocate Mr. Ranjeet Patel, Advocate Mr. Awnish Kumar Singh, Advocate Mr. Ankit Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rajendra Singh, APP
For the Informant :	Mr. Shashi Ranjan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners who apprehend arrest in connection with Uchkagaon P.S. Case No.40 of 2025 lodged on 09.02.2025, for the offences punishable under sections 126(2), 115(2), 117(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against seven named accused persons. It is alleged that petitioner no. 3, with an intention to kill, assaulted the informant on his head with an iron rod, causing a head injury and cutting



his thumb. Thereafter, all the accused persons began assaulting the informant with lathi, rod, fists, and kicks. When the informant's brother came to his rescue, he was also assaulted by co-accused Ankit with a lathi. In the meantime, the informant's brother's wife, niece, and mother arrived to intervene, at which point petitioner no. 1 allegedly assaulted the informant's brother's wife on her abdomen, despite her being eight to nine months pregnant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that both the informant and the petitioners belong to the same agnatic family, and from the contents of the F.I.R., it is evident that the present dispute arose out of a disagreement regarding the construction of a boundary wall. A scuffle broke out between the agnates of the same family, and for the same date and place of occurrence, both sides have lodged cases thus, there is a case and counter case. From the injury reports of both the informant and the petitioners, it appears that injuries were sustained on both sides. It is further submitted that none of the accused, including the present petitioners, have any criminal antecedents, and the incident occurred suddenly in the heat of the moment due to the



boundary wall dispute.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there are specific and serious allegations against the petitioners, including causing injuries to the informant, one of which resulted in the severing of a finger. It is further submitted that the petitioners also assaulted other family members of the informant, including a woman who was eight to nine months pregnant.

6. Learned APP for the State opposes the prayer for bail and submits that from the record, it appears that both the informant and the petitioners belong to the same agnatic family. He further submits that the contents of the F.I.R. clearly indicate that the dispute arose over the construction of a boundary wall, and injuries were sustained by members of both sides during the incident.

7. In the facts and circumstances of the case, let the above-named petitioners be released on bail, in the event of their arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand only) each, as mentioned in Section 2(1)(d) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*, to the satisfaction of the learned ACJM-1, Gopalganj in connection



with Uchkagaon P.S. Case No. 40/2025, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagrik Suraksha Sanhita, 2023*.

(Dr. Anshuman, J)

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