

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30916 of 2025

Arising Out of PS. Case No.-545 Year-2023 Thana- RAXAUL District- East Champaran

1. Ramsagar Sah @ Ramsagar Prasad S/o Late Ramjas Sah R/o Vill- Gonaha, P.S.- Raxaul, Distt- East Champaran
2. Amit Sah @ Amit Kumar S/o Ramsagar Sah @ Ramsagar Prasad R/o Vill- Gonaha, P.S.- Raxaul, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31451 of 2025

Arising Out of PS. Case No.-545 Year-2023 Thana- RAXAUL District- East Champaran

Ashok Sah @ Ashok Kumar Gupta S/o Ram Sagar Sah R/o Village- Gaunaha, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30916 of 2025)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

: Mr. Hemant Ray, Advocate

For the State : Mr. Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 31451 of 2025)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

: Mr. Hemant Ray, Advocate

For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-05-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 545 of 2023 for the offence under Sections 147, 149, 323, 324, 325, 379, 308, 504



and 506 of the Indian Penal Code, lodged on 13.12.2023 by the informant, Parshuram Singh.

3. As per the prosecution story, the informant alleged that due to land dispute, the assault took place. The allegation against Ram Sagar Sah is that he put towel and tried to pull him with the help of Amit Sah while Ashok Sah gave garasi blow on the head causing injury, allegation of assault on family members is/are also there beside snatching of gold chain. This led to the F.I.R.

4. Learned counsel for the petitioners submit that so far as Ram Sagar Sah and Amit are concerned, allegation is only of pulling the informant, so far as allegation of assault on Ashok Sah is concerned, there is no injury report on record which can be manifested from the order of the learned Sessions Judge, Further, they do not have criminal antecedent and the F.I.R. lodged after nine days.

5. Learned APP opposes the prayer for bail submitting that the allegation of assault/pulling the victim by towel is/are there.

6. Considering the submissions of the parties as also the delay in lodging of the F.I.R. coupled with the observation of the learned Sessions Judge that no injury report is on record,



none of them have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. However, if it is found that any of the petitioner is having criminal antecedent, the order with regard to him shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Raxaul P.S. Case No. 545 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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