

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34271 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- BAGHA District- West Champaran

1. Dilip Chaurasiya S/O Vishwanath Chaurasiya
2. Renu Devi W/O Dilip Chaurasiya
3. Shobha Kumari D/O Dilip Chaurasiya
4. Amika Bhagat @ Ambika Bhagat, S/o Late Makurdhan Bhagat
5. Bindalal Chaurasiya S/O Amika Bhagat @ Ambika Bhagat
6. Malakha Chaurasiya @ Malkha Bhagat S/O Late Mukurdhan Bhagat
7. Brijesh Chaurasiya @ Brajesh Kumar S/O Malakha Chaurasiya @ Malkha Bhagat
All are resident of Village- Mehura, P.S- Bagaha, Distt.- Wes Champaran.
8. Baleshwar Chaurasiya @ Baleshwar Prasad, S/O Suresh Chaurasiya,
resident of Village- Jurapakari, P.S.- Bhairganj, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kr. Singh No. 1, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and

apprehending their arrest in connection with Bagaha P.S.

Case No.39 of 2025 registered under Sections 115, 126, 76,

109, 351, 352, 3(5) of the Bhartiya Nyaya Sanhia, 2023 and

Sections 3 and 4 of the Prevention of Witch (Daain) Practices

Act, 1999.



3. The allegation against the petitioners is to assault the informant and his family members by means of rod, *lathi*, *danda*, farsa with intention to cause their death and snatched Rs. 10,000/- and a golden *Mangalsutra* from the pocket of the husband of the informant.

4. It is submitted by learned counsel appearing for the petitioners that the occurrence appears free fight in nature, where both parties received injuries and for same set of occurrence, petitioners' side also lodged a case with police, which was registered as Bagaha P.S. Case No.2 of 2025 on 01.01.2025. It is submitted that the injury as said to be inflicted by petitioners' side found simple upon medical examination of the informant and others. It is submitted that in view of same, it cannot be said that the allegation as raised under Section 109 of the BNS *prima facie* appears convincing in view of legal report of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]**.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by



taking note of the fact as occurrence appears *prima facie* free fight in nature, where informant and others received simple injuries during the occurrence, negating *prima facie* intention to cause death, accordingly, all petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Bagaha P.S. Case No.39 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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