

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36631 of 2025

Arising Out of PS. Case No.-611 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Santosh Kumar S/o- Ramdev Prasad R/o- Utari Noneya Tola PS-Pahadpur Distt- East Champaran
2. Dipu Kumar S/o- Late Lagan Prasad R/o- Noneya Kachahari Tola PS-Pahadpur Distt- East Champaran
3. Vidyanand Prasad S/o- Late Ganga Prasad R/o- Noneya Kachahari Tola PS-Pahadpur Distt- East Champaran
4. Rajkishor Kumar S/o- Vidyanand Prasad R/o- Noneya Kachahari Tola PS-Pahadpur Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramavti Devi W/O - Madan Sah, R/V - Noneya, Ward No. 02, P.S. - Paharpur, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioners, the State and the informant.

2. The petitioners are apprehending arrest in connection with Majhauriya P.S. Case No. 611 of 2024 instituted under Sections 126(2), 115(2), 117(1), 109, 76, 303(2), 352, 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on 15.10.2024 by the informant, Ramavati Devi.

3. As per the prosecution story, the informant alleged that upon sight of the accused forcefully ploughing the land of



the informant, it was objected, whereafter, the allegation is of assault. Ranjan Kumar repeatedly gave 'lathi' blow to Vikash Kumar causing injury while Deepu Kumar assaulted the brother-in-law (dewar) who was also injured. Further allegation against Santosh Kumar is of having fractured the hand of sister-in-law (gotni). Dial 112 was called, whereafter, they were shifted to Manjhauriya Health Center. This led to the FIR.

4. Learned counsel for the petitioners submit that they own the land, the informant was disturbing them and in the process, certain scuffle took place which has been exaggerated.

5. Learned counsel for the informant on the other hand submits that a perusal of the documents would show that forcefully and only to grab the land of the informant, a document is being produced to save their own skin.

6. Considering the submissions of the parties as also the allegation that has come against the petitioner no.1, Santosh Kumar and petitioner no.2, Dipu Kumar, their anticipatory bail stand rejected.

7. So far as the petitioner no.3, Vidyanand Prasad and petitioner no.4, Rajkishor Kumar are concerned, though they are named, no role has been attributed to them, the two petitioners named above have no criminal antecedent, in that background,



this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioner nos. 3,Vidyanand Prasad and petitioner no.4, Rajkishor Kumar be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Majhauriya P.S. Case No. 611 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner nos. 3,Vidyanand Prasad and petitioner no.4, Rajkishor Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 3,Vidyanand Prasad and petitioner no.4, Rajkishor Kumar 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 petitioner nos. 3,Vidyanand Prasad and



petitioner no.4, Rajkishor Kumar shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner nos. 3,Vidyanand Prasad and petitioner no.4, Rajkishor Kumar 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 petitioner nos. 3,Vidyanand Prasad and petitioner no.4, Rajkishor Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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