

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42314 of 2025

Arising Out of PS. Case No.-448 Year-2025 Thana- SIKARPUR District- West Champaran

1. Rampati Devi W/o Shreekant Mahto Resident of Village- Purainiya, ward no. 10, P.S-Shikarpur, District- West Champaran
2. Suman Devi W/o Sri Sandeep Kumar Kushwaha Resident of Village- Purainiya, ward no. 10, P.S-Shikarpur, District- West Champaran
3. Sandeep Kumar Kushwaha @ Sandeep Kumar S/o Shreekant Mahto Resident of Village- Purainiya, ward no. 10, P.S-Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Shikarpur P.S. Case No. 448 of 2025 lodged on 30.04.2025, for the offence punishable under Sections 126(2), 115(2), 109, 74, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. The specific allegation in the FIR is against accused Sandeep Kumar (petitioner no.3) and Sujit Kumar, who have assaulted the informant on his head by iron rod, causing head injury.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioner nos.1 and 2 are females and they have unnecessarily been made accused in this case. Counsel submits that from the contents of FIR, it become crystal clear that the dispute has arisen due to family matters as both the parties are *pattidars*. Counsel submits that allegation of assault is only and only against petitioner no.3 and one another. And against petitioner nos.1 and 2, there is no specific allegation. Counsel further submits that the injury report has been annexed from which it transpires that the alleged injury caused by petitioner no.3 is simple in nature. Counsel also submits that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that as per the FIR, there is specific allegation against petitioner no.3 of assault.

6. As such, in the present facts and circumstances of this case, let the petitioner no.1 namely, Rampati Devi and petitioner no.2 namely, Suman Devi be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in



Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 448 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as petitioner no.3 namely, Sandeep Kumar Kushwaha @ Sandeep Kumar is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.3 is hereby rejected with liberty that if, petitioner no.3 surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the factual matrix of the case, without being prejudice that the anticipatory bail of the petitioner no.3 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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