

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43546 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- BARHARIA District-
Siwan

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1. Dashrath Prasad Sonof Vikarama Prasad Village -Kutub Chhapara PS
-Barahariya District -Siwan
 2. Amrendra Kumar @ Amrendra Prasad Son of Vikrama Prasad Village-
Kutub Chhapara PS- Barahariya District -Siwan
 3. Vikash Kumar Son of Vikrama Prasad Village -Kutub Chhapara PS
-Barahariya District -Siwan
 4. Indu Kumari Daughter of Vikrama Prasad Village -Kutub Chhapara PS
-Barahariya District -Siwan
 5. Kanti Devi @ Kunti Devi wife of Vikram Prasad Village -Kutub Chhapara
PS -Barahariya District -Siwan
 6. Priyanka Devi Son of Dharmendra Kumar Village -Kutub Chhapara PS
-Barahariya District -Siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Rakesh Singh, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-11-2025 Heard Mr. Krishna Prasad Singh, learned senior

Advocate for the petitioners and Mr. Raj Kishor Singh,

learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in
connection with Barahariya P.S. Case No. 204 of 2025,
registered for the offences punishable under Sections 109,
303(2), 126(2), 115(2), 117, 118(1), 352, 351(2), 3(5) of



Bhartiya Nayay Sanhita, 2023.

3. Allegedly, in the morning of the fateful day, all the F.I.R. named accused persons armed with lathi, danda, iron rod and sword came to the house of the informant and started abusing and assaulting him; while the uncle of the informant, Chandan Prasad came to his rescue, it is specifically alleged that petitioner No.2 assaulted him by means of sword over his head due to which he sustained injury. It is further alleged that the cousin of the informant was also assaulted by petitioner No.1 through the iron rod due to which she also sustained injury. There is further allegation of assault against all the petitioners besides the allegation of snatching valuables.

4. Learned senior Advocate for the petitioners referring to the F.I.R. contended that the prosecution case is based on the premise of a land dispute, leading to institution of a case and counter case. In fact, the present case is nothing but a counter blast of Barhariya P.S. Case No. 201 of 2025, which is instituted against the informant and others, on earlier point of time. Referring to the injuries sustained to the family members of the informant, it is submitted that all the injuries have been found to be



simple in nature, except one, which is allegedly sustained to one Chandan Prasad as the same has been shown to be reserved. However, it cannot be ruled out that the nature of injuries is only said to be abrasion on forehead. He further submitted that on account of a land dispute, both the parties entered into a free fight resulting into some unfortunate injuries to both the sides. However, the prosecution has failed to explain the injuries sustained to the petitioners' side. The petitioners are persons of fair antecedent and they undertake before this Court that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State, vehemently, opposed the bail application and submits that because of the assault being made by the petitioners, five persons have sustained injuries.

6. Regard being had to the submissions set forth by the learned Advocate for the respective parties and taking note of the simple nature of injuries besides one of the injury, the nature of which, is still reserved coupled with fair antecedent of the petitioners and there is case and counter case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned



Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barahariya P.S. Case No. 204 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

(Harish Kumar, J)

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