

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43801 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- BHARGAMA District- Araria

1. Rama Kumar S/o- Tarni Chaupal @ Tarni Tatma Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
2. Laxman Kumar S/o- Tarni Chaupal @ Tarni Tatma Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
3. Sanjay Chaupal @ Sanjay Kumar @ Sanjay Sharma S/o- Tarni Chaupal @ Tarni Tatma Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
4. Ajay Kumar Chaupal @ Ajay Kumar S/o- Tarni Chaupal @ Tarni Tatma Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
5. Buchni Devi W/o- Tarni Chaupal @ Tarni Tatma Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
6. Tarni Chaupal @ Tarni Tatma S/o- Late Janak Lal Chaupal Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
7. Jitendra Chaupal @ Jitendra Kumar S/o- Bindeshwari Chaupal Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
8. Laxman Kumar @ Chhotu Kumar S/o- Bindeshwari Chaupal Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria
9. Sudhir Sharma @ Sudhir Kumar S/o- Nunulal Chaupal Resident of village- Manullahpatti ward no 1 Police station- Bhargama District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Bhargama P.S. Case No. 72 of 2025, dated 23.02.2025, lodged under Sections 191(2), 191(3), 190, 126(2),



115(2), 118(1), 109, 303(2), 76, 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, it has been alleged in the FIR that all twelve accused persons surrounded the informant's house and began looting the informant's shop, taking Rs. 30,000/- in cash and articles valued at Rs. 20,000/-. When opposed, they assaulted the informant with lathi and danda.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that both the informant and the petitioners are agnates and due to a petty family dispute relating to property, the present case has been lodged. It is also submitted that for the same date and place of occurrence, a case and counter-case have been lodged between the parties. The petitioners' side has filed Bhargama P.S. Case No. 70 of 2025, while the informant's side has lodged Bhargama P.S. Case No. 72 of 2025. Counsel also submits that the criminal antecedents of petitioner Nos. 1, 2, 4, 5, 6, and 9 are not clean, as one criminal case is pending against them. However, the said case was filed by the same informant as in the present case, and they are on bail in that matter. It is further submitted that the criminal antecedents of petitioner Nos. 3, 7, and 8 are clean.



5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that, as per the FIR, there are specific allegations against the petitioners regarding the assault.

6. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the petitioners and the informant's side are agnates.

7. As such, in the present facts and circumstances of the case, and considering that for the same date and place of occurrence there is a case and counter-case from both sides, in which injuries were caused to both parties, let the above-named petitioners 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 BNSS, 2023 to the satisfaction of Judicial Magistrate-1st, Araria, in connection with Bhargama P.S. Case No. 72 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

Aman Kumar/-

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