

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45354 of 2025

Arising Out of PS. Case No.-180 Year-2025 Thana- UDWANTNAGAR District- Bhojpur

1. Mamta Devi Wife of - Suraj Ram, Daughter of - Surendar Ram Resident of village - Chakradah, P.s- Udawantnagar, District - Bhojpur, at present resident of village - Sarathua, P.s - Udawantnagar, District- Bhojpur
2. Dev Kumari Devi Wife of - Surendar Ram Resident of village- Chakradah, P.s.- Udawantnagar, District - Bhojpur.
3. Surendar Ram Son of - Late Hari Nandan Ram. Resident of village- Chakradah, P.s.- Udawantnagar, District - Bhojpur.
4. Subodh Ram Son of - Surendar Ram Resident of village- Chakradah, P.s.- Udawantnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, aPP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 15-10-2025 Heard Mr. Shiv Prasad Gupta, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Udwanatnagar P.S. Case No. 180 of 2025 for the offence punishable under Sections 126(2), 115(2), 109, 303(2), 351(2), 352, 3(5) of the BNS lodged on 08.04.2025 by the informant.

3. As per prosecution case, the informant alleged that on 05.04.2025, all the FIR named accused persons including the petitioners have assaulted the informant and his family members with *Lathi* and by means of stone pelting causing injuries to them due to the dispute of public pathway. The petitioners are, allegedly, trying to grab the said public pathway. Accordingly, the FIR.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to public pathway dispute and they have not committed any offence as alleged in the FIR. Learned counsel for the petitioners submits that allegation against the petitioners, as per the FIR, are general and omnibus in nature and there is no specific allegation of any overt-act against these petitioners. Learned counsel next submits that both the parties are next door agnates and there is unexplained delay in lodging of the FIR as the occurrence has taken place on 05.04.2025 but the FIR has been lodged on 08.04.2025 after delay of three days which itself shows that it is an afterthought act. Learned counsel for the petitioners further submits that they have neither encroached the public land nor disturbed the public peace. All the petitioners have got clean antecedent.

5. On the other hand, learned APP opposes the prayer for anticipatory bail of the petitioners submitting that the informant side has received injury though it is simple in nature.

6. Considering the aforesaid submissions of the parties and the fact that the allegations against these petitioners are general and omnibus in nature, there is a land dispute regarding public pathway, both the parties are next door agnates and they have got clean antecedent, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let the petitioners, above named, be released on bail, in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C / Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 his bail bond by the Trial Court itself;

(iii) the petitioners 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

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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