

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44966 of 2025

Arising Out of PS. Case No.-148 Year-2025 Thana- NAUTAN District- West Champaran

1. Pallavi Devi W/o Shivakant Upadhaya
2. Ravikant Upadhaya S/o Late Brijkishor Upadhaya
3. Pinki Devi W/o Shashikant Upadhaya
4. Pratima Kuwar W/o Late Brijkishor Upadhaya
5. Shashikant Upadhaya S/o Late Brijkishor Upadhaya
6. Aman Kumar S/o Ravikant Upadhaya
All R/o Village- Mangalpur Kala, P.S.- Nautan, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2025 Heard Mr.Sujeet Kumar, learned counsel for the petitioners, learned counsel for the informant and Mr.Tapeshwar Sharma, learned Additional Public Prosecutor for the State.

2.After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.5, namely, Shashikant Upadhaya.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn respect to petitioner No.5, namely, Shashikant Upadhaya.

5. Petitioner Nos.1 to 4 and 6 are apprehending their



arrest in connection with Nautan P.S.Case No.148 of 2025, FIR dated 01.04.2025 registered for the offences punishable under Sections 126(2), 115(2),118,109,303(2),352 and 3(5) of B.N.S.

6. The prosecution story in brief is that, on dated 31.03.2025 at 13.10'o', the Informant namely Permod Panday given his Fardbyan before the Police officer, that there is a Land dispute between the Informant and the Petitioners Further on the date of occurrence the co-accused person, namely, Shashikant Updhaya measuring the disputed land. Further the informant said to the petitioners that the land will be measured by the Government Amean. Further the Petitioners along with 10 unknown persons started abusing the brother of the Informant namely Kameshwar Panday, and when the brother of the Informant protest than the Petitioner No-6 namely Aman Updhaya assaulted the brother of the informant by means of Iron Rod. Further the Informant came to save his brother in the mean time co-accused person, namely, Shashikant Updhaya gave Farsa blow on the Head of the Informant due to which the Informant fall down, and again co-accused person, namely, Shashikant Updhaya and the Petitioner no-2 namely Ravikant upadhya assaulted the Informant by the handle of farsa and the Lathi. Further when the nephew of the Informant namely Bhola



Kumar Panday came to save the Informant in the mean time the petitioner no-6 namely Aman Kumar called the nephew of the Informant and slammed down. Further the Co-Accused namely Akash Kumar gave a farsa blow on the head of the nephew of the Informant and the Petitioner no-3 namely Pinky Devi took out a golden chain from the neck of the nephew of the Informant.

7. Learned counsel for the petitioners submits that petitioner Nos.1,3,4 and 6 have clean antecedent and petitioner No.2 carries two more cases other than the present one and he is on bail in both the cases and they have falsely been implicated in the present case due to admitted land dispute between the parties and the present case is counter blast of Nautan P.S.Case No.147 of 2025. Although the petitioners are named in the FIR but the specific allegation of assault is attributed against co-accused person, namely, Shashikant Upadhaya. Although there is allegation against the petitioners that they also assaulted to the family members of the informant and both sides have received the injury.

8. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.



9. Considering the aforesaid facts, there is case and counter case, due to admitted land dispute, the present occurrence has taken place and there is no specific allegation of any assault or overt-act attributed against these petitioners, let petitioner Nos.1 to 4 and 6, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S.Case No.148 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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