

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52543 of 2025

Arising out of PS. Case No.-17 Year-2025 Thana- BATHWARIA District- West Champaran

1. Ambika Bhagat @ Amika Bhagat S/o Late Laxman Bhagat Resident of Village- Chandraha Rupavaliya, ward No. 15, P.S.- Bathawariya, Dist.- West Champaran
2. Anand Bhagat @ Nand Bhagat @ Nanad Bhagat S/O Late Swami Nath Bhagat Resident of Village- Chandraha Rupavaliya, ward No. 15, P.S.- Bathawariya, Dist.- West Champaran
3. Kumari Devi W/o Anand Bhagat @ Nand Bhagat @ Nanad Bhagat Resident of Village- Chandraha Rupavaliya, ward No. 15, P.S.- Bathawariya, Dist.- West Champaran
4. Rosan Kumar Ambedkar @ Rousan Kumar S/o Ishwar Dayal Resident of Village- Chandraha Rupavaliya, ward No. 15, P.S.- Bathawariya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s: Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-08-2025 After some arguments, learned counsel for the petitioners seeks permission to withdraw the application so far as Petitioner No. 1 namely Ambika Bhagat @ Amika Bhagat is concerned.

2. Permission is accorded.

3. Accordingly, the present petition is dismissed as withdrawn so far as Petitioner No. 1 namely Ambika Bhagat @ Amika Bhagat is concerned

4. Heard learned counsel for the petitioners and



learned Additional Public Prosecutor for the state.

5. The petitioners No. 2, 3 and 4 are apprehending their arrest in a case instituted for the offences under Sections 126(2), 115(2), 118(1), 109, 190, 191(2), 191(3), 352 and 303(2) of BNSS, 2023. They have no criminal antecedents.

6. As per the prosecution case, it is alleged that the named accused persons all variously armed with lathi, danda and iron rod etc. assaulted the informant and others causing grievous injury to the informant and simple injury to other persons of the prosecution side.

7. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case with general and omnibus allegation barring allegation upon Ambika Bhgat @ Amika Bhagat (Petitioner No. 1) who assaulted the informant, i.e., Bhola Ram who sustained grievous injuries. It is further submitted by learned counsel for the petitioners that there is a case and counter-case between the parties bearing Bathawariya P.S. Case No. 18 of 2025 which was lodged against the informant namely Bhola Ram and others by Anand Bhagat. Learned counsel for the petitioners next submit that the present FIR has been lodged after delay of seven days as an after-thought.



8. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid submissions of learned counsel and the nature of allegations, the Petitioners No. 2, 3 and 4, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Bagaha, West Champaran in connection with Bathawariya P.S. Case No. 17 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two con-



secutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) 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 petitioner has concealed his criminal antecedent, 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 the same or in the name of verification.

10. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

11. With the aforesaid observations, the present anticipatory bail application stands disposed of.

(Sourendra Pandey, J)

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