

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56022 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- Baijnathpur District- Saharsa

1. Prabhash Bhagat @ Prabhash Kumar S/O Shivaji Bhagat R/O Village- Itahara, PS- Baijnathpur, District- Saharsa
2. Binod Bhagat @ Binod Kumar Bhagat S/O Late Rajendra Bhagat R/O Village- Itahara, PS- Baijnathpur, District- Saharsa
3. Radheshyam Kumar S/O Ram Pravesh Ray R/O Village- Itahara, PS- Baijnathpur, District- Saharsa
4. Alok Patel @ Alok Kumar S/O Jagdish Mahato R/O Village- Itahara, PS- Baijnathpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Senior Advocate
		Mr. Rakesh Singh, Advocate
For the Opposite Party/s	:	Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2025 Heard learned senior counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Baijnathpur P.S. Case No. 08 of 2025, dated 28.01.2025, lodged under Sections 109, 191(1), 191(2), 190, 126(2), 115(2), 118(1), 76, 303(2), 352, 351(2) & 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the FIR has been lodged against 10 named accused persons, including the present petitioners, alleging that when the informant was sitting at his house, all the accused persons came, started abusing and



assaulting him, and threatened to set him on fire.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that for the same date and place of occurrence, there is a case and a counter-case between the parties. The petitioners' side has lodged Baijnathpur P.S. Case No. 11 of 2025, whereas the informant's side has lodged the present case. He further submits that the petitioners and the informant are neighbours, and there is an admitted land dispute between the parties regarding the passageway to their respective houses. The alleged boundary wall was allegedly demolished/broken, which is evident from the FIR. He further submits that the scuffle took place at the spur of the moment, due to which injuries were caused, however, the injuries are not grievous in nature. He also submits that, except for petitioner No. 1, the criminal antecedents of all the other petitioners are clean. There is one criminal case pending against petitioner No. 1, in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that both parties are neighbours, and the entire dispute arose only due to the issue of passage of way.



6. As such, in the present facts and circumstances of this case, let the petitioners above named 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 C.J.M, Saharsa, in connection with Baijnathpur P.S. Case No. 08 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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