

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50970 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- RAMGARH District- Kaimur (Bhabua)

1. Krishnanand Chaubey S/O Bijendra Chaubey Village- Bidamanchak, P.S.- Ramgarh, District- Kaimur
2. Dhananjay Chaubey S/O Bijendra Chaubey Village- Bidamanchak, P.S.- Ramgarh, District- Kaimur
3. Dinesh Chaubey S/O Anil Chaubey Village- Bidamanchak, P.S.- Ramgarh, District- Kaimur
4. Umesh Chaubey S/O Anil Chaubey Village- Bidamanchak, P.S.- Ramgarh, District- Kaimur
5. Brajesh Chaubey @ Brijesh Chaubey S/O Anil Chaubey Village- Bidamanchak, P.S.- Ramgarh, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the Informant and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Ramgarh P.S. Case No. 155 of 2025, lodged on 28.04.2025, under Sections 115(2)/126(2)/ 303(2) /109(1) / 352/351(2)/3(5) of the Bhartiya Nyay Sanhita, 2023.



3. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioners that they all started trying to destroy the government lane and government drainage. Upon oppose, the allegation against Bijendra Chaubey and Anil Chaubey to assault on the informant's head by rod due to which injury has been caused. Allegation against other accused persons, namely, Krishnand Chaubey and Dhananjay Chaubey to assault by Rami and against others they assaulted by lathi. Allegation of rangdari and putting continuous force upon the informant is against the accused side in the FIR.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that it is not the government drainage nor the government land; rather the said lane is the private land of the petitioners on which they forcefully used to flow the drain water, on oppose scuffling took place from both the sides. Counsel submits that for the same date and place of occurrence FIR has been lodged from both the sides. Learned Counsel submits that antecedent of the petitioners are clean. There is case and counter case.

5. Learned Counsel for the Informant, on the other



hand, opposes the prayer for bail and submits that there is specific allegation against petitioner No.1 and petitioner No.2 to assault by Rami on the informant due to which injury has been caused.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against Krishnanand Chaubey and Dhananjay Chaubey, who assaulted on the informant's head due to which injury has been caused.

7. As such, this Court is not inclined to grant anticipatory bail to petitioner Nos. 1 and 2, the above named. Hence, their prayer for anticipatory bail is hereby refused. However, in the event of surrender of the petitioners within six weeks from today, the prayer for regular bail shall be considered on its own merit upon going through the document that whether dispute is relating to the government lane and drainage or private lane or drainage, without being prejudiced by the order of this Court.

8. So far as petitioner Nos.3, 4 and 5, above named, are concerned, in the present facts and circumstances of this case, let they be released on anticipatory bail, in the event of arrest or surrender before the learned Court below 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 A.C.J.M.-II, Mohania, Kaimur, in connection with Ramgarh P.S. Case No. 155 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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