

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61312 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- PATAHI District- East Champaran

1. Ramadhar Sah Son of Kamal Sah Resident of Village - Nanfarwa, P.S.- Patahi, District - East Champaran, Motihari.
2. Bikarma Sah @ Bikram Kumar Son of Late Suruj Sah Resident of Village - Nanfarwa, P.S.- Patahi, District - East Champaran, Motihari.
3. Ram Babu Sah Son of Kamal Sah Resident of Village - Nanfarwa, P.S.- Patahi, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate
For the State	:	Mr.Braj Kishore Pd.(App)
For the informant	:	Mr. Ajay Kr. Singh, Advocate
		Mr. Mayank Prasanna Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2025 Heard learned counsel appearing on behalf of the petitioners; learned APP for the State and learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Patahi P.S. Case No. 275/2024 registered for the offence(s) punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 303(2), 323, 351(2) of BNS.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioners have assaulted the informant and her family members, as a result of which, they sustained injuries. Specific allegation against the petitioner



no.1/Ramadhar Sah is to have stabbed knife in the flank of nephew of the informant, whereas petitioner no.2/Bikarma Sah @ Bikram Kumar is said to have assaulted the *dewar* of the informant by means of sharp weapon.

4. Learned counsel appearing on behalf of the petitioners submitted that so far as petitioner no.3 is concerned, there is no specific allegation of any overt act having been committed by him. So far as petitioners no.1 and 2 are concerned, there is specific allegation against them but the injury reports of the injured persons have been reserved.. He further submitted that petitioners and informant are co-villagers and due to a trivial dispute, they indulged into fierce fight, causing injury to each-other. Petitioners have clean antecedents.

5. Mayank Prasanna Dubey, learned counsel, has tendered his appearance on behalf of the informant and he supports the allegation made in the FIR and submits that injury sustained by the nephew and *devar* of the informant are grievous in nature and as such, the petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. Referring to the different paragraphs of the case diary, he submitted that in course of



investigation, materials have been collected against the petitioners, which show that the petitioners with an intention to kill, assaulted the *devar* and nephew of the informant.

7. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and the material which has surfaced in the case diary, I find that there is no specific allegation against **petitioner no.3, and, as such, the petitioner no.3, above named, who is having clean antecedent, is directed to be released on pre-arrest bail**, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari / Concerned Court in connection with Patahi P.S. Case No. 275/2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner no.3 and if it is found that the petitioner no.3 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

9. So far as petitioners no.1 and 2 are concerned, there



is specific allegation against them of assaulting the *devar* and nephew of the informant on the vital part of their body and the injury reports have been reserved, I find it proper to direct the learned District Court concerned to **call for the final opinion of the doctor in respect of the injury sustained by the *devear* and nephew of the informant and if it is found that the same is simple in nature, then in that case, the petitioners no.1 and 2, above named, are also directed to be released on pre-arrest bail, considering the fact that they have also clean antecedent, on the same terms and conditions, which has been imposed by this Court to petitioner no.1.**

10. The application stands disposed of.

(Purnendu Singh, J)

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