

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64637 of 2025

Arising Out of PS. Case No.-342 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Shambhu Prasad S/o Late Ram Bhajan Prasad @ Bhajan Prasad R/o Village-
Dhekaha Laxman Tola, P.S.- Muffasil, District- East Champaran at Motihari
 2. Sandeep Kumar S/o Shambhu Prasad R/o Village- Dhekaha Laxman Tola,
P.S.- Muffasil, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in
connection with Muffasil P.S. Case No. 342 of 2024 registered for
the offences punishable under Sections 126(2), 115(2), 352, 76 and
3(5) of BNS.

3. As per prosecution case,petitioners and other armed
with iron rod, lathi and danda came at the door of the informant and
started throwing sand bag kept besides her wall, when the informant
tried to stop the accused persons from throwing the sand bag then
they started abusing and when the same was protested then co-
accused Dasrath Prasad assaulted the informant by means of iron rod
as a result of which informant sustained injury on head and fell on



the ground. It is further submitted that petitioner no.1, Shambu Prasad, tore the blouse of the informant and she became undressed. When informant's husband came for rescue, he was also assaulted by the accused persons.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. Learned counsel for the petitioners submits that informant and petitioners are patidaar and petitioner has a house which is located inside the pavement which passes adjacent to the house of the informant. There is a land dispute between the parties and in the cases of land dispute facts are generally exaggerated. There is no specific allegations of assault against the petitioners rather the allegations are general and omnibus in nature. The specific allegation is against co-accused, Dasraht Prasad, who is said to have assaulted informant, has already granted regular bail which is annexed as annexure-P/5. It is further submitted that Co-accused, Akshay Kumar, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 46710 of 2025 and the case of present petitioner is identically same and on the principle of parity, petitioner deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is allegation against the petitioners and they cannot escape from



allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused on similar and identical allegation has already been granted anticipatory bail, there is no specific allegation of assault against the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at East Champaran at Motihari in connection with Muffasil P.S. Case No. 342 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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