

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63337 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- MADHUBAN District- East Champaran

1. Nawal Kumar S/O Rama Kant Prasad R/O Village- Taksari, P.S.- Madhuban, District- East Champaran
2. Shyama Kant Prasad S/O Late Chalitar Sah R/O Village- Taksari, P.S.- Madhuban, District- East Champaran
3. Azadi Kumar S/O Ram Naresh Prasad R/O Village- Taksari, P.S.- Madhuban, District- East Champaran
4. Ramagya Sah S/O Late Durga Sah R/O Village- Taksari, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 191(2), 191(3), 126(2), 115(2), 109, 118(1), 76, 303(2), 352, 351(2) and 351(3) of the Bharitya Nyaya Sanhita.

3. The prosecution case in brief is that on 16.01.2025 at about 8:00 A.M., while the informant was cooking food, she heard noise outside. On coming out, she saw all the accused persons, including the petitioners, armed with



deadly weapons and abusing her brother-in-law. When she protested, they abused her in filthy language. The accused persons caught her hair, dashed her on the ground and tore her clothes. Petitioner no.1 assaulted the brother-in-law of the informant by iron rod due to which he sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegations levelled against the petitioners are not specific, rather general and omnibus in nature. The specific allegation is only against petitioner No. 1, and no reason is attributed for the quarrel which is said to have taken place, owing to which the injuries were sustained by the brother-in-law of the informant. There is a case and counter case between the parties, and the petitioners have lodged an FIR bearing Madhuban P.S. Case No. 32 of 2025, registered under Sections 119(2), 191(3), 126(2), 115(2), 118(1), 109, 76, and 303(2) of the Bhartiya Nyaya Sanhita against the informant and her family members, who allegedly tried to grab the petitioners' land, which resulted in an altercation. The prosecution side is said to have brutally assaulted the petitioners. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State



has opposed the prayer for bail of the petitioners.

6. Taking into account that the injuries sustained by the injured are simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari (East Champaran)/Successor Court in connection with Madhuban P.S. Case No.31 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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