

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65279 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- BAGHA District- West Champaran

1. Jagarnath Mal S/o Late Raghu Mal @ Late Raghunandan Mall R/o Village - Nawkatola, Bargaon, Ward No. 7, P.S - Bagaha, District - West Champaran
2. Dinanath Mal @ Dina Mal S/o Late Raghu Mal @ Late Raghunandan Mall R/o Village - Nawkatola, Bargaon, Ward No. 7, P.S - Bagaha, District - West Champaran
3. Bhanu Mal @ Bhnu Mall S/o Dinanath Mal @ Dna Mall R/o Village - Nawkatola, Bargaon, Ward No. 7, P.S - Bagaha, District - West Champaran
4. Shashibhushan Kumar @ Shashibhushan Mall S/o Jagarnath Mal R/o Village - Nawkatola, Bargaon, Ward No. 7, P.S - Bagaha, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-11-2025 **1.** Heard learned counsel for the petitioners and learned A.P.P. for the State.
- 2.** The petitioners seek bail in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 118(1), 303(2), 74, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and later on Section 103 BNS was added.
- 3.** Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 24-5-2025 at about 6 am all the accused persons including the petitioners came variously armed and entered the



house of Bhagmani Devi i.e. bhabhi of the informant, forcefully on account of previous land dispute and abused her and also vandalised the house. It is next alleged that Bhanu Mal took out jewellery and Rs. 80,000 after breaking the almirah, when Bhagmani Devi objected, Sashi Bhushan Mal pulled her hair and tried to take her out of the house and also tore her clothes and blouse, further Ramakant Mal assaulted Bhagmani Devi by means of *khanti* causing injury on head, thereafter Rajan Mal assaulted Kashi Mal who came to rescue Bhagmani Devi by *lohbanda* causing injury on head while other accused also assaulted him. It is further alleged that Manish Mal assaulted Sahab Mal by means of an iron rod causing injury on his arms and the accused persons thereafter threatened Bhagmani Devi and others and also took away household articles and cash from almirah. It is next alleged that Bhagmani Devi was admitted at Sub-Divisional Hospital Bagaha for treatment where she died during the course of treatment.

4. The learned counsel for the petitioners submits that from perusal of the allegations as alleged in the FIR, it would manifest that petitioners and informant are related and are having dispute relating to land. It is next submitted that no doubt, in the FIR it is alleged that Ramakant Mal assaulted



Bhagmani Devi by *khanti* causing injury on head on account of which she died but then Bhagmani Devi died 4 days after the occurrence. It is further submitted that as far as instant petitioners are concerned, the allegations against them are general and omnibus in nature. It is submitted that from side of the petitioners also Bagaha PS Case No.136 of 2025 has been instituted against the informant and others as such the instant FIR is a counter blast. It is also submitted that Ramakant Mal is not a petitioner in the instant bail application. It is further submitted that petitioners are in custody since 24-7-2025 and charge sheet has been submitted. It is next submitted that petitioners will not abscond rather will cooperate in the trial to prove their innocence.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the submission made by learned counsel for the petitioners, let the petitioners above named be released on 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 the learned trial court where the case is pending/successor court in connection with Bagaha PS case No. 139 of 2025.



7. However, it is made clear that in the event, if the learned trial court comes to a conclusion that petitioners after after their release, are trying to delay the framing of charge or after framing of charge are delaying the trial in any manner, in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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