

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69297 of 2025**

Arising Out of PS. Case No.-3 Year-2024 Thana- Bhelahi District- East Champaran

1. Hariom Patel S/o Shambhu Patel Resident of vill- Belwa, P.S.- Bhelahi, Distt.- East Chamapran
2. Gajari Devi W/o Shambhu Patel Resident of vill- Belwa, P.S.- Bhelahi, Distt.- East Chamapran
3. Madan Keshari @ Madan Prasad S/o Nathuni Keshari Resident of vill- Belwa, P.S.- Bhelahi, Distt.- East Chamapran
4. Sri Om Patel @ Om Patel S/o Shambhu Patel Resident of vill- Belwa, P.S.- Bhelahi, Distt.- East Chamapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prateek Tandon  
For the Opposite Party/s : Mrs. Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-10-2025                      Learned counsel for the petitioners has filed certified copy of order dated 03.03.2025 of trial court by which cognizance has been taken against the petitioners and others.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners are apprehending their arrest in connection with Bhelahi P.S. Case No. 03/2024 registered for the offences punishable under Sections 323, 234, 307, 341, 354, 379, 385, 427, 147, 148, 149, 504, 506 of the Indian Penal Code.

4. As per prosecution case, petitioners and other



armed with *lathi-danda* are said to have reached at the house of the informant and demanded Rs.50,000/- as extortion and when the informant denied, all the accused persons including the petitioners started assaulting and abusing the informant. It is alleged that when the informant's son came to rescue, co-accused Shambhu Patel assaulted the informant's son by means of *farsa* upon the back of his head as a result of which informant's son sustained head injury. It is further alleged that petitioner no.3 assaulted the maternal uncle of the informant by means of *farsa* upon the back of his head as a result of which informant's maternal uncle sustained head injury. It is further alleged that co-accused Jagdish Patel, Anirudh Patel and petitioner no.2 thrashed the informant's wife and assaulted her and petitioner no.2 also snatched *mangalsutra* of the informant's wife. It is further alleged that co-accused Anirudh Patel and Jagdish Patel made indecent behaviour with the informant's wife. It is further alleged that when the informant fell down, petitioner no.1, petitioner no.3 and co-accused Shambhu Patel, Rambachan Patel, Sri Lal Patel and Niraj Patel snatched Rs.20,000/- from the pocket of the informant and petitioner no. 3 ordered to set the informant's house on fire. There is allegation against the petitioner no. 4 that he alongwith others



abused and assaulted the informant.

5. 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 no. 1, 2 and 4 bear one criminal antecedent in which they are on bail and petitioner no. 3 bears no criminal antecedent. He further submits that there is no specific allegation against the petitioners except petitioner no.3 who is said to have assaulted Shambhu Patel (maternal uncle of the informant) by means of *farsa* upon the back of his head but the allegation levelled against the petitioner no. 3 is inconsistent with the injury report, as mentioned in para 7 of the bail petition, which clearly denotes that injury is simple in nature, caused by hard and blunt substance. There is no allegation of repetition of blow upon head of the informant's maternal uncle against the petitioner no. 3, as is evident from FIR itself. He further submits that co-accused Anirudh Patel had also lodged Bhelahi P.S. Case No.04/2024 against the informant and his family members. He further submits that both parties are next door neighbours and there is a land dispute between the parties. In the cases of land dispute, facts are generally exaggerated to make the offence graver. He further submits that there is no eye



witness of the alleged occurrence and entire family members have been made accused in this case. Charge sheet has been submitted in this case under sections 341, 323, 354, 504, 506 and 34 of the I.P.C. He further submits that cognizance has been taken against the petitioners and others under Sections 323, 324, 307, 341, 354, 379, 385, 427, 147, 148, 149, 504, 506 of the Indian Penal Code. In the light of the aforesaid facts and circumstances of the case, no case is made out under section 307 of the I.P.C. against the petitioners. He orally submits that the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against petitioner no.3 who is said to have assaulted the informant's son by means of *farsa* as a result of which informant's son sustained head injury and name of petitioner nos. 1, 2 and 4 also find place in the FIR. Hence, petitioners do not deserve anticipatory bail.

7. Considering the facts and circumstances of the case, there is no specific allegation against the petitioners, except petitioner no.3 who is said to have assaulted Shambhu Patel by means of *farsa* but the injury is simple in nature,



caused by hard and blunt substance and even there is no allegation of repetition of blow against petitioner no. 3, 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 the learned Judicial Magistrate 1<sup>st</sup> Class, Raxaul, Motihari, East Champaran in connection with Bhelahi P.S. Case No. 03/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

**(Alok Kumar Pandey, J)**

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