

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67825 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- HARPUR District- East Champaran

1. Binda Sah Son of Late Dhoda Sah Resident of Village - Harpur, Ward No.- 02, P.S.- Harpur, District - East Champaran.
2. Viresh Sah @ Biresh Sah Son of Binda Sah Resident of Village - Harpur, Ward No.- 02, P.S.- Harpur, District - East Champaran.
3. Rukmini Devi @ Rukmina Devi Wife of Binda Sah Resident of Village - Harpur, Ward No.- 02, P.S.- Harpur, District - East Champaran.
4. Meena Devi Wife of Ramesh Sah Resident of Village - Harpur, Ward No.- 02, P.S.- Harpur, District - East Champaran.
5. Rubi Devi Wife of Viresh Sah @ Biresh Sah Resident of Village - Harpur, Ward No.- 02, P.S.- Harpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-09-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Harpur P.S. Case no. 72 of 2025 registered under sections 191(2), 193(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 76, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, over a dispute leading to excavation of earth and filling up the land on the side of the accused, it is stated that the eleven named accused persons came



variously armed. It is further stated that on the orders of the petitioner no. 1, Awadhesh Sah struk with a *farsa* on the head of the informant as a result of which she started to bleed. It is further stated that the informant was assaulted by Ramesh Sah and the petitioner no. 2. Further allegations of assault etc has been levelled against the other petitioners.

4. Learned counsel for the petitioners submits that there was case and counter case between the parties, the correct version having been narrated in the case lodged by the petitioners side and which has been brought on record as Annexure-P/2 to the petition. It is further submitted that on perusal of the FIR, it would transpire that while the petitioner no. 1 is said to be the order giver, the main allegation is against co-accused Awadhesh Sah, who is not the petitioner here. Allegation against the petitioner no. 2 is general and omnibus in nature and the others who happen to be ladies, the allegations are once again general and omnibus in nature. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the



petitioners in the F.I.R., there being case and counter case between the parties, the main allegation of assault with the farsa being on Awadhesh Sah who is not the petitioner here and the petitioners not having any criminal antecedent, in the facts of the case, it is directed that all the five petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Harpur P.S. Case no. 72 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to satisfaction of the learned Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari.

(Partha Sarthy, J)

saauravkrsinha/-

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