

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69572 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- CHAUSA District- Madhepura

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1. Sulekha Devi wife of Bulo Pandit Resident of Village- Kalashan Chowk PS -Chausa, Dist- Madhepura
 2. Rahul Kumar Son of Bulo Pandit Resident of Village- Kalashan Chowk PS -Chausa, Dist- Madhepura
 3. Amit Kumar son of Bulo Pandit Resident of Village- Kalashan Chowk PS -Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-09-2025 Heard Mr. Alok Kumar Singh, learned counsel for the petitioners and Mr. Pranav Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chausa P.S. Case No. 85 of 2024 for the offence under Sections 147, 148, 149, 323, 324, 325, 326, 307, 427, 506 of the IPC lodged on 06.04.2024 by the informant.

3. As per prosecution case, the informant alleged that due to previous land dispute, the accused persons, including 10 unknown persons surrounded the informant's father, Sudhir Prasad Yadav and started assaulting him. Co-accused Shambhu Pandit is alleged to have assaulted the informant's father with sword causing cut injury on his left-hand, co-accused Bulo Pandit assaulted with



Dabia causing cut injury at his neck, co-accused Sadanand Pandit assaulted with rod causing injury at his head and other accused persons also assaulted him causing grievous injury on several parts of his body. Further allegation is of damaging the informant's father's motorcycle by co-accused Kari Devi, Kanchan Devi and Dulari Devi by thrashing with *Lathi* and rod. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to previous land dispute and they have not committed any offence as alleged in the FIR and the allegation against them are general and omnibus in nature. There is no specific allegation of any overt-act against these petitioners rather there is specific allegation of assault and overt-act is against co-accused, Shambhu Pandit and Bulu Pandit and the present petitioners are said to be wife and sons of Bulu Pandit respectively. There is a case and counter case. The sister-in-law of petitioner no.1 has also filed an FIR bearing Chausa PS Case No.87 of 2024 on the same date i.e., on 06.04.2024 almost under same sections i.e., U/Ss 147, 148, 149, 323, 324, 307 and other allied Sections of the IPC. Both sides have received injuries and the petitioners have got no criminal antecedents.

5. On the other hand, learned APP vehemently opposes



the prayer for anticipatory bail of the petitioners submitting that the informant's father has received grievous injuries though these petitioners are not responsible for the said injuries.

6. Considering the aforesaid submissions of the parties and the fact that the allegations against these petitioner are general and omnibus in nature, there is a land dispute between the parties, there is a case and counter case, both sides have received injuries, the allegation of overt-act is against other co-accused persons, petitioners have got no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 bail bond by the Trial Court itself;

(iii) the petitioners 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

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

(Ajit Kumar, J)

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