

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71328 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Atma Ram S/O Umesh Sah Resident of village- Madhubani Ghat, P.S.-
Muffasil, Dist.- East Champaran
 2. Manoj Sah S/O Parmanand Sah Resident of village- Madhubani Ghat, P.S.-
Muffasil, Dist.- East Champaran
 3. Rahul Sah @ Rahul Kumar S/O Manoj Sah Resident of village- Madhubani
Ghat, P.S.- Muffasil, Dist.- East Champaran
 4. Sajjan Kumar S/O Umesh Sah Resident of village- Madhubani Ghat, P.S.-
Muffasil, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 08-10-2025 Heard Mr. Abhishek Kumar, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 234 of 2025 for the offence under Sections 126(2), 115(1), 118(1), 117(2), 109, 76, 352, 351(2), 3(5) of the BNS lodged on 13.04.2025 by the informant.

3. As per prosecution case, the informant alleged that all the FIR named accused persons including the petitioners armed with sharp weapons, iron rods, sticks, axes came to the door of the



informant and started abusing her and they also climbed up to the roof of the informant and started breaking the same. When the informant protested to their action, they started assaulting her by means of rod causing injury upon her head. The accused persons, as alleged, tried to outrage her prestige by disrobing her. On hearing her scream, her brothers, Vinay Sah and Raj Kumar came to rescue her but they were also assaulted by means of stick and iron rod by petitioners no.1 and 2 as well as one Umesh Shah. Further allegation is against petitioner no. 3 and 4 of causing injury by knife upon his brother. 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. Learned counsel for the petitioners submits that allegation against the petitioners no.1, 2, 3 and 4, as per the FIR 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, Rupkali Devi who struck informant's brother, Vinay Sah with a stick breaking his arm and she is not a petitioner here. Vinay Sah is said to have received two injuries, injury no.1 is simple and opinion of injury no.2 has been kept reserved. Both the parties are agnates and there is a case and counter case. Petitioner No.1.,



prior to the present FIR, has lodged Mufassil PS Case No. 233 of 2025 under Sections 126(2), 115(2), 118(1), 109, 76, 303(2), 351(2), 3(5) of the BNS against the informant and others for the same cause of action. Further, learned counsel for the petitioners fairly submits that there are two cases pending against all these petitioners in which they are on bail.

5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioners submitting that the informant's brother, Vinay Sah has received grievous injuries and all these petitioners have got criminal antecedents.

6. Considering the aforesaid submissions of the parties and the fact that the allegations against these petitioners 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 person, 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 Chief Judicial Magistrate, East Champaran, Motihari 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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