

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78759 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- Bhopatpur District- East Champaran

1. Binod Sah @ Binod Kumar Sah Son of Late Lalbabu Sah R/o Village - Bhopatpur, P.S. - Bhopatpur, Dist. - East Champaran at Motihari.
2. Sunita Devi Wife of Binod Sah R/o Village - Bhopatpur, P.S. - Bhopatpur, Dist. - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-12-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 118(1), 76, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that petitioner No. 1 has antecedent of two cases and petitioner no. 2 has antecedent of one case and petitioner no. 2 is a woman and the informant alleges that on 27-6-2025 at 8 am, she along with her husband were constructing walls on her share of land, when accused came and assaulted her husband and when she went to save him, petitioner no.1 assaulted her by *kudal* causing injury on head, further repeated the blow causing another injury on head, thereafter Atul



assaulted her husband by rod causing injury while petitioner no.2 tried to strangle her and Pallavi assaulted her husband by *dabiya* causing injury behind his neck, on alarm villagers gathered and took the injured to hospital.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that on account of the construction of walls, occurrence is alleged to have taken place. It is further submitted that petitioners and the informant are related and are having dispute relating to land and from side of the petitioner Bhopatpur PS Case No. 64 of 2025 was instituted against the informant and her side, as such the instant FIR is a counter- blast. It is also submitted that a specific pleading has been made at para 9 and 11 of the anticipatory bail application, that the injuries suffered by the informant and her husband are opined to be simple in nature, which amply demonstrates that petitioners never had any intention of committing a serious occurrence. It is also that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

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

6. Considering the submissions made by the learned counsel for the petitioners, 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 bonds of Rs. 25,000/- (Rupees Twenty-five 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 Bhopatpur P.S. Case No. 65 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event, 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 cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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