

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82245 of 2025

Arising Out of PS. Case No.-39 Year-2017 Thana- RAJEPUR District- East Champaran

1. Harendra Bhagat Son of Jaylal Bhagat R/o Village-Shinghwasia P.S -Rajepur District-East Champaran
2. Runa Devi Wife of Harendra Bhagat R/o Village-Shinghwasia P.S -Rajepur District-East Champaran
3. Fhuljhari Devi wife of Jaylal Bhagat R/o Village-Shinghwasia P.S -Rajepur District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Trial No. 434 of 2025 arising out of Rajepur P.S. Case No. 39 of 2017, registered for the offences punishable under Sections 341, 323,324, 307 and 504/34 of the Indian Penal Code.

3. On the fateful day, while the wife of the informant went to attend the nature call, in the meanwhile, co-accused Birendra Bhagat came there and caught hold her, however, on account of *halla* being raised, other persons assembled there and



later on, the petitioners also came there and assaulted. There is specific allegation against the petitioner no. 1 of causing assault to the wife of the informant, due to which she sustained head injury. There is further allegation of snatching of valuables and threatening.

4. Learned Advocate for the petitioners submitted that so far the petitioner nos. 2 and 3 are concerned, they are women, having fair antecedent and only on account to wreck vengeance and put pressure, their names have been implicated in this case. Moreover, the injury which is attributed to petitioner no. 1, the same is found to be simple in nature. It is further contended that, be that as it may, now the matter has been compromised between the parties and both the parties did not want to proceed in the matter. A photo-copy of the compromise petition has also been brought on record as Annexure-P/2.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that so far the offence under Section 307 of the Indian Penal Code is not compoundable. Moreover, the petitioners were evading their arrest for the last seven years and for this reason alone, the petitioners do not deserve the discretion of this Court.

6. Having considered the submissions set-forth by



learned Advocate for the respective parties and taking note of the nature of accusation against the petitioner no. 1 as well as the fact that the petitioners were evading their arrest, this Court is not acceded to the prayer for anticipatory bail of the **petitioner no. 1**. Accordingly the same stands rejected.

7. However, taking note of the fact that the petitioner nos. 2 and 3 are women, having fair antecedent, let the **petitioner nos. 2 and 3** above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with Trial No. 434 of 2025 arising out of Rajepur P.S. Case No. 39 of 2017, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

8. In case, the petitioner no. 1 surrenders before the Court below, preferably within a period of four weeks from today, his prayer for bail shall be considered without being



prejudiced by the order of this Court, taking note of the fact that the injured has sustained simple nature of injury besides the other submission.

(Harish Kumar, J)

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