

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83481 of 2025

Arising Out of PS. Case No.-122 Year-2025 Thana- Jagdishpur District- West Champaran

1. Savita Devi W/o.- Shambhu Prasad. R/o.- Halkhorwa, Ward no-10, P.S.- Jagdishpur, District- West Champaran.
2. Shambhu Prasad S/o.- Basudev Prasad. R/o.- Halkhorwa, Ward no-10, P.S.- Jagdishpur, District- West Champaran.
3. Vijay Prasad @ Vijay Kumar S/o.- Basudev Prasad. R/o.- Halkhorwa, Ward no-10, P.S.-Jagdishpur, District- West Champaran.
4. Paras Prasad S/o.-Ramchandrar Prasad. R/o.- Halkhorwa, Ward no-10, P.S.- Jagdishpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2025 Heard the parties.

2. At the outset, learned Advocate for the petitioners submits that during the pendency of the present application, **petitioner no.2, namely, Shambhu Prasad**, has got arrested and, as such, he is not pressing the prayer for anticipatory bail on his behalf.

3. The petitioner nos. 1, 3 and 4 are apprehending their arrest in connection with Jagdishpur P.S. Case No. 122 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 115(2), 118, 109, 76, 352, 351(2) of the



Bharatiya Nyaya Sanhita, 2023.

4. Allegedly on the fateful day, while the informant was engaged in ploughing his field, in the meanwhile, all the F.I.R. named accused persons, including the petitioners, variously armed, came there and brutally assaulted him. It is specifically alleged that petitioner no.1 has assaulted the Bhabhi of the informant by means of *Garasa* over her head, due to which she sustained injury, whereas petitioner nos. 3 and 4 have participated in the crime and assaulted the informant and others.

5. Learned Advocate for the petitioner nos. 1, 3 and 4 submitted that with respect to an occurrence, which took place in the evening of 17.06.2025, for the first time, fardbeyan of the informant was recorded by the police on 23.06.2025, and the delay has not been explained in a plausible manner. Moreover, the injuries, which are allegedly sustained to the injured persons, all the injuries have been found to be simple in nature. To support the aforesaid contention, the injury reports have been placed on record, as Annexure- 2 Series. It is further contended that with respect to an occurrence, prior to the institution of the present case, Jagdishpur P.S. Case No. 120 of 2025, has been instituted against the informant and others. In the said incidence, co-accused Shashikant Kumar has sustained serious injury,



however, the prosecution has not explained the injury, which is sustained to him. The present case is nothing but a counter blast to the earlier case, bearing Jagdishpur P.S. Case No. 120 of 2025. The petitioners are having fair antecedent and they undertake that they will fully cooperate in the proceedings of the court.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that because of the assault being made by the petitioners and others, the informant and others have sustained serious injuries.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation against the petitioners, qua the simple injury, coupled with the case and counter case, as also the fair antecedent of the petitioners, **let the petitioner nos. 1, 3 and 4, named above**, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Jagdishpur P.S. Case No. 122 of 2025, subject to the condition



as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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