

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2497 of 2025

Arising Out of PS. Case No.-750 Year-2023 Thana- HARSIDHI District- East Champaran

1. Ram Kishun Ram S/o Late Mithu Ram R/o vill - Math Lohiyar Tola Chhatwania, P.S. - Harsidhi, Distt.- East Champaran
2. Manoj Ram S/o Ram Kishun Ram R/o vill - Math Lohiyar Tola Chhatwania, P.S. - Harsidhi, Distt.- East Champaran
3. Lalti Devi W/o Manoj Ram R/o vill - Math Lohiyar Tola Chhatwania, P.S. - Harsidhi, Distt.- East Champaran
4. Sima Devi W/o Ashok Ram R/o vill - Math Lohiyar Tola Chhatwania, P.S. - Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, A.P.P
	Mr. Deep Anshuman, Advocate
	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-05-2025 Heard Learned counsel for the petitioners, Learned APP for the State and Learned counsel for informant.

2. The petitioners are apprehending arrest in connection with Harsidhi P.S. Case No. 750 of 2023 lodged on 26.12.2023, for the offence punishable under Sections 341, 323, 324, 325, 354(B), 447, 504, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioners. It has been alleged in the FIR that petitioner nos.1 and 2 have assaulted the informant's side by *tangi* and iron rod due to which injury has been caused.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the date of alleged occurrence is 17.12.2023, whereas, the FIR has been lodged on 26.12.2023 i.e. delay of about nine days. Counsel submits that both the parties are neighbour and resident of same village and for petty land dispute, entire scuffling took place at the spur of moment which resulted into injury. Counsel submits that the cause of dispute was related to the flowing of toilet sewage into the informant's premises. Counsel submits that petitioners have no criminal antecedent. Counsel also submits that there is case and counter case from both the sides which resulted into injury to both the sides. Counsel submits that the petitioner no.1 is old man aged about 65 years and he is the guardian of the family and only due to this reason, his name has been inserted in this case unnecessarily.

5. Learned counsel for informant vehemently opposes the prayer for bail and submits that there is specific allegation against petitioner nos. 1 & 2.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that injury is there in the FIR.

7. As such, in the present facts and circumstances of



this case as well as considering the age of petitioner no.1, let the above named petitioner no.1 namely, Ram Kishun Ram, petitioner no.3 namely, Lalti Devi and petitioner no.4 namely, Sima Devi be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Sadar at Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 750 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. So far as bail application of petitioner no.2 namely, Manoj Ram is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

(Dr. Anshuman, J)

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