

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1909 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- SUGAULI District- East Champaran

1. Ramadhar Singh BHAGAWAN SINGH village- Bagahi, Madhopur Nanhakar, Ps- Sugauli, Dist- East Champaran
2. Ramashish Bhagat son of Bhagawan Singh village- Bagahi, Madhopur Nanhakar, Ps- Sugauli, Dist- East Champaran
3. Sonu Kumar @ Sonu Bhagat Son of Ramashish Bhagat village- Bagahi, Madhopur Nanhakar, Ps- Sugauli, Dist- East Champaran
4. Amarendra Kumar Bhagat @ Amrendra Kumar Son of Ramadhar Singh village- Bagahi, Madhopur Nanhakar, Ps- Sugauli, Dist- East Champaran
5. Dhuman Bhagat son of Dhruv Bhagat village- Bagahi, Madhopur Nanhakar, Ps- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Tanuja Kumari Mishra, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners submits that the petitioner No. 4 was surrendered before the Trial Court, due to which the case has become infructuous for the petitioner No. 4. Accordingly, she is now pursuing the bail application only on behalf of petitioner Nos. 1, 2, 3 & 5.

3. The petitioner Nos. 1, 2, 3 & 5 are apprehending



arrest in connection with Sugauli P.S. Case No. 324 of 2024, dated 20.07.2024, lodged under Section 126(2), 115, 118(1), 109, 74, 303(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

4. As per the prosecution, FIR has been lodged against eight named accused persons, including the present petitioners, alleging that all the accused persons surrounded the informant and her family members, and all of a sudden, petitioner No. 1, namely Ramadhar Singh, attacked the informant's son with a farsa, due to which he was injured, and the allegation against Ajay Bhagat is that he stabbed the other son of the informant with a dagger. Thereafter, the accused persons also snatched jewellery worth Rs. 20,000/- from the informant.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that from the contents of the FIR, it becomes crystal clear that there is a general and omnibus allegation against all the accused persons, except the co-accused, namely Ajay Bhagat, against whom the allegation is specific. Counsel further submits that the case diary has been called for by this Hon'ble Court with a view to peruse the



injury report, and from the FIR and the injury report, it transpires that the occurrence took place on 13.07.2024, but the injuries of Upendra Bhagat, Santosh Bhagat, and Sunaina Devi are dated 23.07.2024, on the basis of a police requisition dated 22.07.2024.

6. It has also been intimated by the counsel for the petitioners that in all the above-mentioned injury reports, the age of the injuries has been shown as within one hour. According to him, since the requisition was made on 22.07.2024 and the injury report was prepared on 23.07.2024, the identification of the injuries as being within one hour indicates that the injuries could not have occurred on 13.07.2024, and therefore, such injury reports cannot be relied upon. Counsel further submits that the petitioners have no criminal antecedents and are ready to fulfill all the conditions that may be imposed by this Hon'ble Court.

7. Learned counsel for the informant, who appeared suo motu, vehemently opposes the prayer for bail and submits that the contention of the petitioners is not correct, as an earlier case bearing Sugauli P.S. Case No. 101 of 2024, was also filed against the petitioners, who are accused in that case as well, as mentioned in Annexure-2 to the bail application.



8. In response thereto, counsel for the petitioners submits that in the said case, a final report has been submitted, which is at page 23 of the present bail application, wherein the police have found the offence to be not true. Counsel further submits that whether cognizance has been taken or not is not within the knowledge of the petitioner. However, since the final form has been submitted as per Annexure 2, it cannot be stated that the petitioners have any criminal antecedents.

9. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that, according to the case diary, the date of the injury report is shown. However, in the FIR, the date of occurrence is admittedly 13.07.2023, while the injury report annexed is dated 23.07.2024, which shows the injury as having occurred within one hour, which is an impossible situation.

10. As such, in the present facts and circumstances of this case, let the petitioner Nos. 1, 2, 3 & 5, namely, Ramadhar Singh, Ramashish Bhagat, Sonu Kumar @ Sonu Bhagat and Dhuman Bhagat be released on anticipatory 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) as mentioned in Section 2(1)(d) of



the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, East Champaran, in connection with Sugauli P.S. Case No. 324 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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