

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6633 of 2026

Arising Out of PS. Case No.-74 Year-2025 Thana- PHENHARA District- East Champaran

1. Ajay Ram S/O Nageshwar Ram Resident of Village - Madhurapur, P.S.-
Fenhara, District - East Champaran.
2. Akshay Ram S/O Nageshwar Ram Resident of Village - Madhurapur, P.S.-
Fenhara, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 05-05-2026 Heard Mr. Madhurendra Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Aditya Narayan

Singh.1, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Phenhara P.S. Case No. 74/2025 registered for the
offence(s) punishable under Sections 191(2), 191(3), 190,
329(4), 126(2), 115(2), 118(1), 118(2), 117(2), 109, 103, 303(2),
352, 351(2) of the BNS.

3. As per the allegation made in the FIR, the
informant, Neelam Devi, lodged a written complaint alleging
that the F.I.R.-named accused persons, including the petitioners,
formed an unlawful assembly and assaulted her husband and



other family members with various weapons, resulting in injuries, and it is further alleged that her modesty was outraged and her belongings were snatched and her husband succumbed to injuries during treatment.

4. At the outset, learned counsel appearing on behalf of the petitioners seeks to withdraw the bail application of the petitioner no.2 with a liberty to the petitioner to surrender before the learned District Court and seek regular bail.

5. Considering the aforesaid submission made on behalf of the petitioner no.2, the petitioner no.2, if so advised, may surrender before the learned District Court and seek regular bail. In that case, the learned District Court is directed to consider the bail application of the petitioner no.2 on the same day on the basis of material which has come in course of investigation.

6. So far as, the petitioner no.1 is concerned, learned counsel appearing on behalf of petitioner submitted that submitted that the allegations in the F.I.R. are general and omnibus in nature, with specific role attributed only to co-accused Sanjay Ram, and no specific overt act is attributable to the petitioner no.1. The occurrence was a case of free fight between the parties, and subsequently, names of elderly and



female members have been dragged with ulterior motive. No material has been collected during investigation to connect the petitioners with the alleged offence. Learned counsel further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Court. The petitioner has clean antecedents. On these grounds, the petitioner seeks to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having heard the rival submissions made on behalf of the parties, as well as, upon perusal of the record, it appears that the dispute between the parties arises out of a land dispute relating to ancestral property, and admittedly, a partition suit is pending between them. The allegations in the F.I.R. against the petitioner no.1 is general and omnibus in nature, with specific and direct allegation of assault attributed to a co-accused. The present is a case of free fight between the parties, and subsequently, names of other family members, including elderly and female members, have been implicated. It also transpires that no specific material has been collected during investigation to connect the petitioner no.1 with the alleged offence. Similarly situated co-accused persons have already been granted



anticipatory bail by this Court. I am of the opinion that the petitioner no.1 has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The learned District Court is directed to release the petitioner no.1 on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Phenhara P.S. Case No. 74/2025, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner no.1, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

11. The present petition stands disposed of.

(Purnendu Singh, J)

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