

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42048 of 2026

Arising Out of PS. Case No.-87 Year-2026 Thana- CHHATAUNI District- East Champaran

1. Ramkishore Singh @ Ram Kishore Singh S/O Late Lal Deo Singh R/O Mohalla Mathiya Zirat ward no.- 12, P.S.- Chhatauni, District- East Champaran
2. Anupam Kumari D/O Ramkishore Singh R/O Mohalla Mathiya Zirat ward no.- 12, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Adv.
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Chhatauni P.S. Case No. 87 of 2026 lodged on 14.02.2026, for the offence punishable under Sections 191(2), 329(2), 126(2), 115(2), 117(2), 109, 303(2), 74, 352 & 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners and 10-15 unknown persons. The allegation against the petitioner no.1 is that he has assaulted the informant's son by iron rod due to which, his finger was broken. The allegation



against the petitioner no. 2 is that she has snatched Rs. 50,000/- from the pocket of the informant's son.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from the contents of the FIR, it become crystal clear that both parties are neighbour and the dispute has arisen between them with regard to construction of public road in the locality. He submits that for the same date and place of occurrence, there are case and counter case filed from both the sides. He further submits that the petitioner no. 1 has one criminal antecedent, whereas, the petitioner no. 2 has clean antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the statement written in the FIR is absolutely correct as the construction of public road was going on and the petitioners and other accused persons were obstructing for removal of encroachment and started stopping the construction of the road. He submits that the dispute has arisen only due to encroachment of public road. He further submits that the petitioner no. 1 has one criminal antecedent and the said case is registered under section 135 of the Electricity Act regarding theft of electricity, which shows his



mentality.

6. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that from the record, it transpires that there are case and counter case filed from both the sides.

7. As such, in the present facts and circumstances of this case, let the above named petitioners 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 as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari, in connection with Chhatauni P.S. Case No. 87 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023 with further conditions that:-

(i) if any complaint is filed before the Trial Court alleging that the petitioners have again created any obstruction in the construction of the public road or in the removal of encroachment, then the Trial Court upon verification from the local police shall cancel the bail bond of the petitioners.

(ii) the petitioners shall appear before the Trial Court on each and every scheduled date, and failure to do so for two



consecutive dates without any plausible reason/explanation shall
be resulted into cancellation of their bail bonds by the Trial
Court itself;

(Dr. Anshuman, J)

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