

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48003 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- BAIRIYA District- West Champaran

1. Pradeep Kumar Son of Horil Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
2. Dhiraj Kumar son of Horil Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
3. Munna Kumar Son of Horil Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
4. Badak Sah @ Barak Sah Son of Late Naglal Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
5. Ramu Sah Son of Late Naglal Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
6. Horil Sah Son of Late Naglal Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran
7. Ranjeet Kumar Son of Ramu Sah Village- Bagahi Nimiya Tola ward no 06 Police station -Bairiya District -west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
Mr. Avinash Raj, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP
For the informant : Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-01-2026 Heard Mr. Sachida Nand Rai duly assisted by Mr. Avinash Raj, representing the petitioners and Pankaj Kumar, learned counsel for the informant as also the State.

2. The petitioners are apprehending arrest in connection with Bairiya P.S. Case No. 79 of 2025 instituted under Sections 126(2), 115(2), 118(1), 109, 76, 303(2), 352, 351(2), 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on



05.03.2025 by the informant, Vickey Kumar.

3. As per the prosecution story, the informant alleged that on 23.02.2025, with consent the land was being measured and pillars fixed. Meanwhile, their agnates (accused persons) which included Pradeep Kumar, petitioner no.1, Dhiraj Kumar, petitioner no.2, Munna Kumar, petitioner no.3, Badak Sah, petitioner no.4, Ramu Sah, petitioner no.5, Horil Sah, petitioner no.6 and Ranjeet Kumar, petitioner no.7 beside the female inmate namely Sheela Devi armed variously attacked them causing injuries to several members of the family.

4. The allegation is that Dhiraj Kumar, Pradeep assaulted causing injuries on the head of the informant. When Suraj Kumar, his brother came to his rescue, Munna Kumar gave 'lathi' blow. Further, his elder brother was caught hold by Badak Sah while Pradeep Kumar gave farsa blow on the head causing injury. The further allegation is of outraging the modesty of the family members and assault to his grand-father, Chandrika Sah by Ranjeet Kumar. They were shifted to G.M.C.H., Bettiah for treatment which followed the FIR.

5. Learned counsel for the petitioners submit that there is case and counter case, both sides suffered, exaggerated FIR has been lodged implicating all the family members.



Further, in the counter case, Suraj Kumar and Vickey Kumar preferred Cr. Misc. No. 35004 of 2025 which was allowed by the coordinate bench. In that background, these accused persons also deserve relief.

6. In this case, the coordinate bench had called for the case diary and the injury report and the learned APP and the informant has taken this Court the injury report to show that the injury on Chandrika Sah given by Ranjeet Kumar has been found to be grievous in nature. Further, Pradeep Kumar assaulted both the informant and Suraj Kumar causing injury on the head and the opinion was found to be reserved, the is on the vital part. There are also allegation of assault/outraging the modesty/taking away some amount.

7. Having heard the parties and perusing the records as also the case diary/injury report, so far as the allegation that has come against the petitioner no.1, Pradeep Kumar and petitioner no.7, Ranjeet Kumar and the injuries inflicted by them have been found to be on the head and one of them, Chandrika Sah, injury has been recorded to be grievous in nature, no relief can be extended to them. The anticipatory bail against them stands rejected.

8. So far as petitioner nos. 2 to 6 namely Dhiraj



Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah respectively are concerned, considering that though allegation is there, some of the injuries have been found to be simple in nature whereas in the case of some of the accused, only presence has been shown, none of them have criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

9. Let the petitioners 2 to 6 namely Dhiraj Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bairiya P.S. Case No. 79 of 2025 to the satisfaction of learned Judicial Magistrate-First Class, Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners 2 to 6 namely Dhiraj Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc) to show his/her bona fide;



(ii) the petitioners 2 to 6 namely Dhiraj Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners 2 to 6 namely Dhiraj Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners 2 to 6 namely Dhiraj Kumar, Munna Kumar, Badak Sah @ Barak Sah, Ramu Sah and Horil Sah shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

