

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84100 of 2025

Arising Out of PS. Case No.-461 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Chanda Devi @ Ramdulari Devi Wife of Dwarika Sah @ Amerika Sah Resident of Village - Katahan, P.S. - Muffasil, District - East Champaran.
 2. Kalawati Devi Wife of Nageshwar Sah Resident of Village - Katahan, P.S. - Muffasil, District - East Champaran.
 3. Dwarika Sah @ Amerika Sah Son of Late Shri Bhagwan Sah Resident of Village - Katahan, P.S. - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-01-2026 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 461 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. In the morning of the fateful day, while the informant was going to his land, in the meanwhile, the petitioners alongwith others surrounded him and started



abusing. When the protest was made, it is alleged that co-accused Dharmendra Sah assaulted him by means of iron rod, due to which he sustained head injury. When the daughter-in-law of the informant came to his rescue, petitioner no. 3 assaulted her by means of iron rod over her head, due to which she sustained a fracture injury in her hand. It is further alleged that petitioner no. 1 assaulted the son of the informant by means of *farsha* over his head, whereas petitioner no. 2 assaulted the wife of the informant by means of *lathi*, due to which she sustained head injury.

4. Learned Advocate appearing on behalf of the petitioners submitted that both the parties are neighbours and on account of a trifle, they entered into a free fight, resulting into some unfortunate injuries. Moreover, the injuries which are allegedly sustained to the informant and others, all of them have been found to be simple in nature, except one which is allegedly sustained to the informant's daughter-in-law over her hand. Specific accusation has been levelled that petitioner no. 3 has assaulted over the hand of the informant's daughter-in-law and, as such, there was no intention to cause any harm which may cause danger to the life, thus there is no application of Section 109 of the Bharatiya Nyaya Sanhita is the contention of learned



Advocate for the petitioner. It is further contended that now the good sense have prevailed between the parties and they do not want to proceed in the matter. The petitioners bear fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court and would not indulge in such incidence any further.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that because of the assault being made by petitioner no. 3, the injured has sustained grievous injury and, as such, he does not deserve the privilege of anticipatory bail.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the genesis of the occurrence, coupled with the fact that the injury which is found to be grievous in nature is on non-vital part, besides the fact that petitioners are persons of fair antecedent and they undertake before this Court that they will not indulge in such activities in future, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two



sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P.S. Case No. 461 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further following conditions:-

- (i) One of the bailors shall be the own/close family members of the petitioners.
- (ii) If the petitioners are found indulged in intimidating or threatening the informant and the witnesses, they shall be at liberty to file cancellation of their bail bonds.

(Harish Kumar, J)

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