

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89145 of 2025**

Arising Out of PS. Case No.-242 Year-2025 Thana- GUTHANI District- Siwan

1. Harichandra Bhagat S/o- Late Ram Narayan Bhagat
  2. Hare Ram Kushwaha S/o- Premchand Kushwaha
  3. Dharmendra Kushwaha S/o- Jagdish Bhagat
- All are Resident Of Village- Kudesar,PO- Belauri, Ps- Guthani, Dist-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate  
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-01-2026                      Heard Mr.Ajay Kumar Tiwary, learned counsel for the petitioners and Mr.Md. Ataur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Guthani P.S.Case No.242 of 2025, FIR dated 10.07.2025, registered for the offences punishable under Sections 126(2),115(2),117(2),303(2),352,351(2),3(5) of BNS, 2023.

3. As per the prosecution case, petitioner alongwith other FIR named accused were planting paddy crops forcibly on his Bainama land, which in the name of Ramaand Chaudhary since 1969) on which he has been paying rent to government.



When informant went there then petitioner No.1 assaulted him with iron rod and all other accused persons assaulted with lathi and danda.

4. Learned counsel for the petitioners submits that it appears from the FIR itself that due to admitted land dispute the present occurrence had taken place. There is case and counter case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against petitioner Nos.2 and 3. There is specific allegation against petitioner No.1 that he assaulted to the informant causing injury on his finger which is not on the vital part of the body of the informant.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioner Nos.2 and 3 carries one more case and petitioner No.1 carries two more cases other than the present one but fairly submits that the petitioners are on bail in the pending matters, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, due to admitted land dispute the present occurrence had taken place, there is



case and counter case and injury inflicted upon the informant is not on the vital part of the body, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Siwan in connection with Guthani P.S. Case No.242 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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