

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4453 of 2026

Arising Out of PS. Case No.-301 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Hari Shankar Sah @ Hari Shankar Prasad S/o Banarsi Sah @ Anarsi Prasad R/o village- Sundarpatti, PS- Pakaridyal, Dist- East Champaran
2. Rajeshwar Sah S/o Banarsi Sah @ Anarsi Prasad R/o village- Sundarpatti, PS- Pakaridyal, Dist- East Champaran
3. Ramashankar Sah @ Ramashankar Prasad S/o Banarsi Sah @ Anarsi Prasad R/o village- Sundarpatti, PS- Pakaridyal, Dist- East Champaran
4. Ramji Sah S/o Banarsi Sah @ Anarsi Prasad R/o village- Sundarpatti, PS- Pakaridyal, Dist- East Champaran
5. Suraj Sah @ Suraj Kumar S/o Ramashankar Sah @ Ramashankar Prasad R/o village- Sundarpatti, PS- Pakaridyal, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Anil Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-05-2026 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Pakaridayal Police Station Case No. 301 of 2025, registered for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 352, 351(2), 118(2), 109, 125(a), 117(2) and 76 of Bharatiya Nyaya Sanhita.

3. The prosecution case, in brief, is that on 10.06.2025 at about 11:00 a.m, dispute arose when petitioner no. 4 uprooted



a peg and on protest being made by the informant, he abused and threatened him. Thereafter, all the accused persons, including the petitioners, allegedly came on the place of occurrence by tractor along with other persons carrying weapons and surrounded the house of the informant. The allegation against the petitioners is that petitioner no. 4 and co-accused Puja Devi allegedly sprinkled chilli powder due to which informant's family members unable to see. Petitioner no. 4 also assaulted Radhe Shyam Sah with an iron rod on his head and both hands causing oozing head injury. Petitioner no. 3 inflicted lathi blow on the head of Lal Babu Sah, while petitioner no. 5 inflicted rod blow on the right hand of Lal Babu Sah, causing injury on his right hand and also assaulted on his eyes. Co-accused Om Prakash Sah inflicted knife blow on father of the informant due to which he sustained sharp cut injury on his neck. Petitioner no. 2 caught hold hair of the informant's mother, namely, Fuljhari Devi and assaulted her with a brick on her head. Petitioner no. 1 along with co-accused Rohit Kumar is alleged to have assaulted with leg and fist on informant's elder sister in-law, namely, Guddy Devi, during which she was subjected to physical assault and her clothes were disarranged.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated due to land dispute between the parties, who are agnates. The FIR has been lodged after delay of about ten days and is a result of civil and property dispute between the parties due to which civil case vide Title Suit No. 305 of 2025 is pending between the parties in which petitioners' father is plaintiff and Phuljhari Devi who is mother of the informant is defendant. Injury sustained by Phuljhari Devi is simple in nature, whereas the medical opinion regarding the other injured persons has been kept reserved.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail and submits that petitioner nos. 3 and 4 have assaulted Radhe Shyam Sah, causing injury measuring 3" × 1" × ½" on his head. Petitioner no. 4 assaulted Lal Babu Kumar, due to which he sustained similar injury on his forehead, attributable to petitioner nos. 3 and 4. Altogether seven persons have sustained injuries in the occurrence.

6. Considering the nature of injuries caused on the vital parts of the victims, I am not inclined to grant anticipatory bail to petitioner nos. 3 and 4.

7. Accordingly, the prayer for anticipatory bail of petitioner nos. 3 and 4 is rejected.



8. However, considering the nature of injuries attributed to petitioner nos. 1, 2 and 5 are simple in nature, I am inclined to grant anticipatory bail to them.

9. Accordingly, the prayer for anticipatory bail of petitioner nos. 1, 2 and 5 is allowed.

10. Let the petitioner nos. 1, 2 and 5, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate 8, Motihari, East Champaran, in connection with Pakaridayal Police Station Case No. 301 of 2025, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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