

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4639 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- Salmari District- Katihar

Pawan Kumar Sah @ Pawan Sah Son of Indra Mohan Sah Resident of Village
- Jitwarpur, P.S.- Salmari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126,
115(2), 118, 117, 76, 109, 303(2), 352, 351(2-4) and 3(5) of the
BNS.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her husband for attending the call of nature was
taking water from the hand pump when the accused persons
came and petitioner assaulted her husband by an iron Sabal
causing injury on his right leg thereafter Sravan Sah assaulted
by Samat and thereafter Indramohan Sah assaulted the husband
of the informant by Khanti repeatedly on his left leg causing
fracture of both legs on account of assault.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the FIR has been instituted based on a written application submitted by the informant before the police. It is next submitted that the date of occurrence is 29.08.2024 and the FIR was instituted on 14.09.2024 i.e. after a delay of 17 days which casts an aspersion on the case of the prosecution. It is also submitted that a Title Suit No. 55 of 2013 is pending adjudication between the side of the petitioner and the informant, as such, there is a land dispute also in between the parties but then concealing all the relevant facts the instant FIR came to be instituted. It is submitted that had the husband of the informant been assaulted in the manner as alleged in the FIR then fardbeyan of her husband or the informant would have been recorded at the hospital.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned court below where the
case is pending/Successor Court in connection with Salmari P.S.
Case No. 65 of 2024, subject to the conditions as laid down
under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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