

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13541 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- BHITAHA District- West Champaran

Dinesh Sah Son of Late Saryug Sah Resident of Village- Khairawa
Bazar(Khaira Tola), PS- Bhitaha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Sahay, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-04-2025 Heard Mr. Ravi Shankar Sahay, learned counsel for
the petitioner and Mr. Rajendra Prasad Nat, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Bhitaha P.S. Case No. 133/ 2024 dated 22.11.2024
registered for the offence(s) punishable under Section(s) 191(2),
190, 352, 76, 126(2), 115(2), 109(1), 303(2), 351(2) and 324(2)
of the BNS.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent, the occurrence is said to have taken place on
13.11.2024 but the FIR in a typed application was registered on
22.11.2024 whereas as per the FIR, the information regarding
the alleged occurrence had been received by the police on



15.11.2024 which casts serious doubt in the police action, as per the prosecution's story narrated in the FIR, this petitioner and co-accused, Munna Sah are alleged to have assaulted the brother-in-law of the informant, Amit Sah, repeatedly by sword but on the person of the said injured, no sharp cut injury has been found and medical opinion with regard to the nature of the injury does not corroborate the alleged weapon, further, the injury of the injured, Amit Sah has been opined to be simple in nature. It is further submitted that from the FIR, it is evident that the alleged occurrence was not pre planned and both the parties are agnates and there is case and counter case in between them and from the petitioner's side also some persons sustained injuries as the alleged occurrence relates to a free fight.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering aforesaid submissions advanced by the petitioner's counsel and mainly taking into account the petitioner's fair and clean antecedent coupled with the contradiction with regard to the nature of weapon alleged in the FIR and nature of the injury to the injured, Amit Sah, who is said to have been assaulted by this petitioner, this court is inclined to grant the relief of anticipatory bail to the petitioner.



Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Bhitaha P.S. Case No. 133/ 2024 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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