

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26633 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- PHENHARA District- East Champaran

Dinesh Sah @ Dinesh Kumar Sah S/o Inardeo Sah @ Tiyai Sah R/o Vill.-
Ibrahimpur, Parsauni, P.S.- Phenhara, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sharda Nand Mishra, Adv. Mr. Atul Kumar, Adv. Mr. Bishwa Nath Mahto, Adv.
For the Opposite Party/s :	Mr. Zainul Abedin, APP Mr. Kundan Rathore @ Kundan Kumar Adv. Mr. Kamala Kant Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends arrest in connection with

Phenhara PS Case No. 134 of 2024 dated 20-10-2024, instituted

under Sections 126(2), 127(2), 351(2), 352, 303(2), 109, and

3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that while the

informant, along with Prabhat Kumar Singh @ Pappu Singh,

was returning from a morning walk at around 7:00 AM, it is

alleged that the petitioner along with other co-accused persons,

abused and assaulted the informant and his nephew by means of

an iron rod and an axe, snatched a gold chain from the



informant, and also took a gold Hanuman ornament from the informant's nephew.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the petitioner assaulted the nephew of the informant on his head with an axe, causing a head injury. However, it is submitted that the injury report of Prabhat Kumar Singh, the nephew of the informant, which is annexed as Annexure P/2, reveals that the injury is simple in nature. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail and submitted that there is a specific allegation against the petitioner of assaulting the nephew of the informant on his head by means of an axe.

6. Having considered the facts and circumstance of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



CJM East Champaran, Motihari in Phenara PS Case No. 134 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita* 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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