

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36390 of 2025

Arising Out of PS. Case No.-250 Year-2024 Thana- PHULWARIYA District- Gopalganj

Shree Niwas Sah @ Srinivash Sah @ Srinivash Kumar S/o Mukhdev Sah
R/o Singhpur, P.S.- Phulwariya, Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Phulwariya P.S. Case No. 250 of 2024, registered for the offences under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 117(2), 324(4), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, petitioner and other co-accused persons on instigation of Mukhdeo Sah assaulted the brother of the informant with farsa and took away gold locket from the neck of brother of the informant, other family members of the informant were also assaulted and the co-accused persons took away Rs. 40,000/- from the cash box of the shop of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case, no occurrence in manner as alleged has taken place. There is delay of three days in filing the FIR and the same has not been explained. There is a case and counter case between the parties and Phulwariya P.S. Case No. 251 of 2024 has been lodged against the informant's side. The true facts of the case is that co-accused Ladali Khatoon deposed in the court against the informant's side and thereafter informant's side went to the house of Ladali Khatoon and attacked her. Petitioner only intervened and tried to rescue her for which the informant and others brutally assaulted the petitioner and others and also lodged the present false case. Learned counsel for the petitioner further submits that no injury as alleged in the FIR has been found on Bramdev Sah. All the three injuries are in the nature of lacerated wounds and two of them are on the left eyebrow and middle of the scalp and third one on the back of right elbow. There is no injury of farsa on the head of the brother of the informant. Due to fracture of nasal bone, the injury is stated to be grievous, but caused by hard blunt object this falsifies the allegation against the petitioner that he inflicted farsa blow repeatedly on the brother of the informant.



The other co-accused persons namely Sukhdeo Sah had been granted anticipatory bail by the Co-ordinate Bench of this Court vide Order dated 29.04.2025 passed in Cr. Misc No. 83402 of 2024. The petitioner is in custody since 27.03.2025, charge-sheet has been submitted. Petitioner is having antecedent of one case in which he is on bail.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the absence of injury attributed to the petitioner and also considering non-serious nature of injury of the victim and further considering the submission of the charge-sheet and custody period of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – XVI, Gopalganj in connection with Phulwariya P.S. Case No. 250 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Siddharth Soni/-

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