

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56096 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- BELHAR District- Banka

1. Amit Sah @ Dablu @ Dablu Jorgebush @ Dabloo Sah S/O Subodh Sah @ Subodh Kumar Sah Resident of Nimia, P.S.- Belhar, Dist.- Banka
2. Mohan Sah @ Mohan Kumar @ Maha Satya Narayan Sah S/O Subodh Sah @ Subodh Kumar Sah Resident of Nimia, P.S.- Belhar, Dist.- Banka
3. Rekha Devi W/O Subodh Sah @ Subodh Kumar Sah Resident of Nimia, P.S.- Belhar, Dist.- Banka
4. Subodh Kumar Sah @ Subodh Sah S/O Late Saudagar Sah Resident of Nimia, P.S.- Belhar, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-12-2025 Learned counsel for the petitioners submit that during the pendency of the petition, the petitioner no.1, Amit Sah has been arrested and as such he may be permitted to withdraw the petitioner against him. Accordingly, the prayer for bail against the petitioner no.1, Amit Sah stands withdrawn.

2. Heard the parties.

3. The petitioners are apprehending arrest in connection with Belhar P.S. Case No. 36 of 2025 instituted under Sections 126(2), 115(2), 118(1), 110, 303(2), 74, 351(2), 74, 351(2), 352, 3(5) of the Bhartiya Nayay Sanhita, 2023 lodged on 16.02.2025 by the informant, Munni Devi.

4. As per the prosecution story, the informant alleged that the petitioner no.1, Amit Sah came in a drunken condition



and started abusing the husband of the informant. Upon protest, all of them rushed to assault and the allegation is that Amit Sah gave tengari blow which followed the omnibus assault/allegation against all of them. This led to the FIR.

5. Learned counsel for the petitioners submit that a perusal of the FIR would show that the main allegation is on Amit Sah who has already been arrested and his anticipatory bail application stands withdrawn. Omnibus allegation is against them. The assault theory is 09.02.2025 but the FIR was lodged seven days later on 16.02.2025. Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs.5000/- each (totalling Rs. 15,000/-) to the informant/injured through Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to be submitted before the concerned Court to be handed over to the informant/injured after checking his/her/their credential.

6. Learned APP opposes the prayer submitting that though the injury report is not clear, the opinion was reserved so far as injury report of informant's husband is concerned.

7. Considering the submissions of the parties as also the fact the main allegation of tengari blow is on Amit Sah who



has been arrested, omnibus allegation is against them, the opinion is reserved, FIR is there, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.5000/- each (totalling Rs. 15,000/-) to the informant/injured through Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to be submitted before the concerned Court to be handed over to the informant/injured after checking his/her/their credential.

8. Let the petitioners namely Mohan Sah, Rekha Devi and Subodh Kumar Sah be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Belhar P.S. Case No. 36 of 2025 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners namely Mohan Sah, Rekha Devi and Subodh Kumar Sah who shall provide official



document to show his/her bona fide;

(ii) the petitioners namely Mohan Sah, Rekha Devi and Subodh Kumar Sah shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners namely Mohan Sah, Rekha Devi and Subodh Kumar Sah shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners namely Mohan Sah, Rekha Devi and Subodh Kumar Sah shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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