

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56189 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- HARPUR District- East Champaran

Sikandar Sah S/o Shiv Sah Resident of Vill- Harpur, P.S.- Harpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Harpur P.S. Case No. 38 of 2024 for the offence punishable under sections 126, 115(2), 118, 110, 76, 303(2), 352, 3(5) of the BNS and later on Section 109, 117(2) of BNS lodged on 24.10.2024 by the informant, Rabita Devi.

3. As per the prosecution story, the informant alleged that on the minor issue of parking of the tractor, the petitioner started using *farsa* which hit the head of the informant's husband. He fell down on the ground and became unconscious. Allegation is also against Visindar Sah and Munni Lal Sah of giving farsa blow, outraging the modesty of the lady. Her husband was severely hit, shifted to Sadar Hospital, Motihari and then to PMCH, Patna. This led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case, both are next door neighbors,



subsequently, good sense prevailed upon them and they came into compromise. The petitioner has no criminal antecedent and out of good gesture and as a token of respect, he would like to contribute Rs. 25,000/- to the injured (husband of the informant) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court after checking the credentials.

5. Learned APP though opposes the prayer for bail submits that there is case and counter case, the petitioner has no criminal antecedent.

6. Considering the submissions of the parties as also the fact that there is case and counter case, though allegation is there against the petitioner having caused injury to the informant's husband, subsequent development that has been brought on record between the next door neighbors, taking into account the said fact as also that he has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 25,000/- to the husband of the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Raxaul at



Motihari in connection with Harpur P.S. Case No. 38 of 2024
subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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