

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58258 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- MAHISHI District- Saharsa

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Baidhnath Sah @ Baidhnath @ Baidnath @ Baidnath Sah, Male, aged about 70 years, Son of Late Janak Sah, Resident of Village- Maheshpur, Ward No 02, P.S. -Mahishi (Jalai OP) at Present P.S. -Jalai, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahishi P.S. Case No. 165 of 2025 instituted for the offences punishable under Sections 190, 191(2), 126(2), 115(2), 118(2), 109, 303(2) and 76 of the BNS, 2023.

3. As per the prosecution case, the allegation against the petitioner along with six other persons having *lathi*, *danda* and *rod* entered into the courtyard of the informant using abusive language and assaulted the son-in-law of the informant with an intention to kill him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that petitioner is



the order giver and due to dispute between Amarnath Sah and informant name of the petitioner was incorporated in this case. He next submits that the injury report reveals that the prosecution story is concocted as all the injuries are simple in nature. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 27.05.2025.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Principal Sessions Judge, Saharsa dated 16.07.2025, it appears that on the basis of written report of the informant namely Sushila Devi, FIR has been registered under Sections 190, 191(2), 126(2), 115(2), 118(2), 109, 303(2) and 76 of the BNS, 2023 against seven co-accused persons. The allegation against the petitioner is that he is the order giver and nothing else. Petitioner is in custody since 27.05.2025 having clean antecedent as stated in para 3 of the petition, so considering all these aspects of the matter, I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Saharsa in connection with Mahishi
P.S. Case No. 165 of 2025.

(Ramesh Chand Malviya, J)

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