

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65451 of 2025**

Arising Out of PS. Case No.-174 Year-2025 Thana- MALAHI District- East Champaran

Bhikhari Sah Son of Late Chuman Sah R/o Village - Mamarkha, P.S. -Malahi,  
Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dhannjay Kumar II, Advocate  
For the State : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      22-12-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Malahi P.S. Case No. 174 of 2025 registered for the alleged offences under Sections 117(2), 115(2), 109, 352, 351(3) of B.N.S.

03. As per prosecution case, the petitioner is the nephew of the informant and he assaulted him with Tangi on his head causing it fracture and also fractured his finger. Further, allegation against the petitioner is that he has been continuing in such type of act with the informant and his family members for last two years.

04. Learned counsel for the petitioner submits that the



petitioner is the nephew of the informant and there appears no intention to cause death of the informant from the contents of the FIR. So, there could be no application of Section 109 BNS. A family dispute has been given colour of serious offence. The injury report does not show any injury caused by any sharp weapon and injuries are merely laceration on left side of head of size 2 1/2" x 1/4" x 1/4" apart from pain and swelling over other parts of the body. However, the injury is stated to be grievous due to fracture of right ulna and fracture of base of proximal pharynx of little finger which shows there was no injury even on the head of the informant as alleged. The petitioner is in custody since 21.05.2025 and he is having clean antecedent. The charge sheet has been submitted and trial has proceeded.

05. Learned APP opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any sharp cut injury and further considering the nature of injury, period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to 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 learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court in connection with Malahi P.S. Case No. 174 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the 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.
- (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)**

DKS/-

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