

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70437 of 2025

Arising Out of PS. Case No.-212 Year-2025 Thana- MAHISHI District- Saharsa

Manikant Sah S/O Narayan Sah Resident of village - Baluaha, Ward No.- 15,
P.S- Mahishi, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.R.P. Baxi Sinha, Sr. Advocate
		Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s :		Mr.Anand Kishore Choudhary, APP
For the Informant	:	Mr. Manoj Kr. Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-11-2025 1. Heard Mr. S.R.P. Baxi Sinha, learned Senior Advocate appearing on behalf of petitioner, learned counsel for the informant and learned APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Mahishi P.S. Case no.212 of 2025 registered under sections 191(2), 126(2), 115(2), 109, 303(2), 308(2), 352, 351(2), 351(3) and 190 of B.N.S, 2023.

3. The allegations in the F.I.R is that all ten F.I.R named accused persons including the petitioner herein came to the house of the informant variously armed and started abusing the informant's husband. On protest, the petitioner along with others assaulted the informant's husband with *dabiya*, rod *etc.*, on his head due to which he sustained grievous injuries.

4. Learned Senior counsel for the petitioner submits that petitioner and the informant are the agnates and the incident of free fight took place between parties on account of land



dispute. There is case and counter case filed by the petitioner which has been annexed as Annexure-P/2 to the present petition. It is further submitted that injuries were sustained on the side of the petitioner also. So far as injuries of the injured is concerned, there is only one injury sustained by the informant's husband which is said to be grievous in nature caused by hard and blunt object, which is attributable to the petitioner and there is no repetition of blow which would indicate that Section 109 B.N.S would not be made out. The petitioner is in custody since 20.07.2025 and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant on the basis of the allegations in the first information report as also the materials collected during the course of investigation. The learned counsel appearing for the informant has also pointed out that since there is direct allegation of causing injury, the petitioner does not deserve to be released on bail.

6. Taking into consideration the above mentioned facts of the case and also considering the fact that both the parties are agnates, there is land dispute between the parties, there is case and counter case and petitioner is in custody since 20.07.2025, the petitioner is directed to be enlarged on bail in connection with Mahishi P.S. Case no.212 of 2025 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Court concerned
where the case is pending/Successor Court.

(Soni Shrivastava, J)

Harsh/-

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