

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71096 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- MORKAHI District- Khagaria

Lalan Kumar Sah @ Lalan Kumar S/o Krishna Lal Sah R/o Village- Rasaunk,
Ward No. 2, P.S.- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rahul Singh
For the Opposite Party/s :	Ms.Rina Sinha, APP
	Mr. Sanjay Kumar, Adv
	Mr. Ranjeet Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-10-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant, Sri Sanjay Kumar.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109, 351(2), 351(3), 352, 3(5) of the Bharatiya Nyaya Sanhita.
3. The learned counsel appearing on behalf of the informant, at the outset, submits that the petitioner has not approached this court with clean hands as he has antecedent of one case.
4. The said submission of the learned counsel appearing on behalf of the informant is vehemently rebutted by



the learned counsel appearing on behalf of the petitioner and it is submitted that petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner next submits the informant alleges that he was going with his sister when petitioner abused him from behind; on protest, he assaulted him by lathi causing injury on head, but police came and took him to the hospital and when he was returning home after treatment, when seven named accused persons, including two women accused, reached his house and assaulted him, while Lalan and Subil snatched his chain and threatened.

6. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that no doubt it is alleged that petitioner assaulted the informant by lathi causing injury on head but then the informant was taken to the hospital by the police, but then had the informant been assaulted by the petitioner, in that event, the police would have instituted an FIR, but then same was not done, which casts an aspersion on the case of the prosecution. It is also submitted that in the second part of the allegation, it is alleged that petitioner, along with Subil, snatched the chain of the informant, but then the said allegation is ornamental in nature. It is further submitted that



Morkahi P.S. Case No. 59 of 2025 has been instituted from the side of the petitioner against the informant and others, in which petitioner was assaulted brutally by the side of the informant. It is next submitted that even injury suffered by the informant has been opined to be simple in nature, as would manifest from Annexure- 3 to the anticipatory bail application.

7. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of petitioner that had the petitioner assaulted the informant as alleged in first part of the allegation, in that event the police would have instituted an FIR against the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Morkahi P.S. Case No. 60 of 2025, subject to the conditions as laid down



under Section 482(2) of the BNSS.

9. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of even one case then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

10. At this stage, the learned counsel appearing on behalf of the informant submits that criminal antecedent of the petitioner shall be produced before the learned trial court.

(Satyavrat Verma, J)

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