

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73812 of 2025

Arising Out of PS. Case No.-101 Year-2025 Thana- SURSAND District- Sitamarhi

Ram Babu Sah Son of Late Shankar Sah R/o Village - Adalpur, P.S. - Sursand,
Dist. - Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Santosh Kumar, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-11-2025 Heard Mr. Santosh Kumar, learned Advocate for the

petitioner and Mr. Raj Ballabh Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sursand P.S. Case No. 101 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 74, 109,
352, 351(2) of the Bhartiya Nyaya Sanhita 2023.

3. The allegation against the petitioner is of causing
assault over the informant due to which he sustained serious
injuries; besides further omnibus allegations against all the
accused persons.

4. Learned Advocate for the petitioner submitted that
the petitioner and the informant are own brothers and only on
account of previous dispute they entered into a free fight leading
to injuries to persons of both the sides. There is counter version



of the present case, being Sursand P.S. Case No.107 of 2025 lodged by the petitioner against the informant and others. The informant along with others have also caused assault to the petitioner out of which one of the injuries was found to be grievous in nature, but surprisingly the informant and others have been allowed privilege of anticipatory bail by the court below itself, whereas the prayer for anticipatory bail of the petitioner stood rejected taking note of the fact that the petitioner has assaulted the informant resulting into three injuries. Out of the three injuries, one of the injuries, which is sustained over the shoulder of the informant is concerned, the same has been found to be simple in nature, but from the narrations made in the FIR, it has not been alleged that the petitioner has assaulted over the shoulder of the informant. It is further contended that though the petitioner bears two criminal antecedents, however, one of which has been instituted by the wife of the informant and in both the cases the petitioner is on bail. It is lastly contended that be that as it may, the occurrence took place on 04.03.2025, but the FIR came to be instituted on 07.03.2025 without there being any sufficient explanation for causing delay.

5. On the other hand, learned Advocate for the State



vehemently opposed the bail application and submitted that the petitioner has actively participated in the crime and assaulted the informant along with others leading to serious injuries.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the relationship between the parties coupled with the factum of case and counter case; besides the fact that the accused persons of the counter case having similar allegations have been allowed privilege of anticipatory bail by the court below itself, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Pupri, Sitamarhi/Competent Jurisdiction in connection with Sursand P.S. Case No. 101 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Pawan/-

U		T	
---	--	---	--

