

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1829 of 2026

Arising Out of PS. Case No.-338 Year-2025 Thana- DALSINGHSARAI District- Samastipur

Shankar Malakar Son of Late Umesh Malakar @ Umesh Bhagat Resident of
Village- Dhepura, Ward No 28, P.S- Dalsinghsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2026 Heard Mr. Arun Kumar, learned counsel for the

petitioner and Mr. Parmanand Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
13.11.2025 in connection with Dalsinghsarai P.S. Case No. 338
of 2025, F.I.R. dated 05.09.2025 for the offences punishable
under Sections 126(2), 115(2), 109(1), 303(2), 3(5) of the
B.N.S.

3. According to prosecution case, petitioner and other
co-accused persons are alleged to have assaulted the informant
and her family members. When her sons came to rescue, they
were too assaulted by accused person with intention to kill.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. Present case is counter blast of Dalsinghsarai P.S. Case No. 337 of 2025 filed by the petitioner against the informant and her family members. Although, the petitioner is named in the F.I.R. but from perusal of F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. The petitioner is in custody since 13.11.2025.

5. Learned APP for the State have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and also the fact that petitioner has clean antecedent, there is no specific allegation of any assault or overt act against the petitioner, there is case and counter case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Dalsinghsarai P.S. Case No. 338 of 2025, with the following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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