

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9606 of 2026

Arising Out of PS. Case No.-203 Year-2025 Thana- SAHIYARA District- Sitamarhi

Madan Sah Son of Bindeshwari Sah R/v Village - Maudah, Ward no. 11, P.S. - Sahiyara, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Adv. Ms. Divya Bharti, Adv.
For the State	:	Mr. Yogendra Kumar, Adv.
For the O.P. No. 2	:	Mr. Diwakar, Adv. Ms. Priya Kumari, Adv. Mr. Deepak Kumar, Adv. Ms. Saheeba Naz, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-02-2026 Heard learned counsel for the petitioner as well as
learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sahiyara P.S. Case No. 203/2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 352, 3 (5) of the B.N.S.

3. As per prosecution case, there is allegation against the petitioner who is said to have assaulted upon the right hand of the informant as a result of which the informant sustained hand injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. He further



submits that there is an inordinate and unexplained delay at every stage, i.e. recording the fardbeyan as well as lodging the FIR. The alleged occurrence took place on 29.10.2025, the fardbeyan of the informant was recorded on 02.11.2025 and the FIR was lodged on 12.11.2025. No plausible explanation has been given regarding the said delay, which questions the authenticity of the FIR. He further submits that there is allegation against the petitioner who is said to have assaulted the informant on a non-vital part of the body. He further submits that both parties are cousin brother and there is land dispute between the parties. In this context, facts are generally exaggerated in order to make the case graver. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under section 109(1) or any other allied provisions.

5. The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that there is specific allegation against the petitioner who is said to have assaulted the informant on the right hand, which is grievous in nature. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the



case, keeping in view clean antecedent of petitioner and the injury of the informant is on a non-vital part of the body, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of learned Judicial Magistrate-1st Class, Sitamarhi in connection with Sahiyara P.S. Case No. 203/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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