

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16016 of 2026

Arising Out of PS. Case No.-476 Year-2025 Thana- DUMRA District- Sitamarhi

Shiv Shankar Sah @ Shankar Sah Son of Late Ramdev Sah Resident of
Village - Aajamgarh, Ward No. - 6, P.S. - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 02-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Dumra P.S. Case No. 476 of 2025 dated 12.10.2025, lodged under Section 126(1), 115(2), 124(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), pending before the Court of Chief Judicial Magistrate, Sitamarhi.

3. As per the prosecution, FIR has been lodged with the allegation that the informant went to the shop of the petitioner to purchase certain articles. Following the purchase, a heated discussion took place regarding the monetary transaction, during which the petitioner and the petitioner’s wife assaulted the informant. Thereafter, at the instance of his wife, hot oil was



thrown by the petitioner upon the informant, as a result of which both the informant and his son sustained burn injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that regarding the same date and place of occurrence, there is a case and a counter-case. Counsel further submits that members of both parties were injured and admitted to the hospital. He further submits that vide order dated 25.03.2026, the case diary was called for, and interim protection was also granted to the petitioner.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that a free fight took place between both sides, however, the materials in the case diary are against the petitioner. Upon perusal of the case diary, it transpires that independent witnesses have supported the prosecution's case, and the injury report attached to the case diary also supports the allegations.

6. Upon perusal of the case diary, particularly paragraph nos. 6, 7, 8, and 15, it transpires to this Court that the petitioner and his wife assaulted the informant and threw hot oil on the informant's body. The injury report is also attached, which indicates that the injuries are grievous in nature and were



caused by burns from hot oil.

7. Considering the facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. Liberty is hereby granted to the petitioner that if he surrenders within six weeks, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudiced by the fact that the anticipatory bail application of the petitioner has been rejected by this Court, and the Trial Court shall pass an order on the merits of the case.

(Dr. Anshuman, J.)

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