

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20763 of 2026

Arising Out of PS. Case No.-163 Year-2025 Thana- PHENHARA District- East Champaran

Pundev Sahani @ Punit Sahani S/o- Late Basu Sahani Resident of village-
Chakarpeta P.S.- Fenhara, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-04-2026 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner has prayed for bail in connection with Phenhara P.S. Case No. 163 of 2025 registered for the offence punishable under Sections 191(2), 190, 126(2), 115(2), 117(2), 109, 303(2), 352, 351(2) of the B.N.S., 2023 and Sections 25(1-b)(a) & 27 of the Arms Act.

3. The case of the prosecution, in short, is that the petitioner, along with others being armed with weapons, arrived and started abusing. There is an allegation against the petitioner that he assaulted the informant with *farsa* on the head of the informant, due to which he received bleeding head injury.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has been falsely implicated in this case. He also submits that there is also a counter version of this case and in that case, the petitioner's side has also received injuries. From perusal of the order of the learned trial court, it will transpire that regarding injury of the informant, the learned trial court has recorded that the informant has received the following injuries:

(i) lacerated wound, 6x2x1 cm, on the right parietal area of the head.

(ii) Pain and swelling in the right parietal area of the head.

(iii) Bodyache, caused by 1, 2, or 3 substances. Hard and blunt substance.

Nature of injury no. 1 opinion reserved. Injury nos. 2 and 3 are simple in nature.

5. Learned counsel for the petitioner further submits that from perusal of the FIR, it is clear that there is an allegation that the petitioner was assaulted with *farsa*, whereas the doctor conducting the medical examination of the informant has opined that the injury was caused by a hard and blunt substance. It has been submitted that the injury and the allegation do not correlate. He further submits that there was a free fight between



the parties due to the land dispute and both sides have received injuries. Moreover, the petitioner is languishing in judicial custody since 17.12.2025.

6. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of two cases.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Phenhara P.S. Case No. 163 of 2025.

(Ashok Kumar Pandey, J)

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