

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29481 of 2026

Arising Out of PS. Case No.-49 Year-2026 Thana- SHIKARGANJ District- East Champaran

Bairistar Sahani S/o- Pargan Sahani R/v- Godhiya Ps- Shikarganj Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr. Abhishek Kumar, learned counsel for the petitioner as well as Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.02.2026 in connection with Shikarganj P.S. Case No. 49 of 2026, F.I.R. dated 25.02.2026 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, on 24.02.2026 at around 03.00 P.M, when the informant's father and brother has gone to the garden with a mango trader to spray medicine, then the petitioner along with other accused persons attacked them with lathi, farsa ad iron rod was there and when the informant came to save his family members, the accused persons assaulted



him also. Thereafter the accused persons snatched gold chain of informant's brother worth Rs. 1, 45,000/- and Rs. 50,000/- from the informant's pocket.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The present case is counter blast of Shikarganj P.S. Case No. 48 of 2026. It appears from the FIR that date of the occurrence was on 24.02.2026 but the FIR was lodge on 25.02.2026 i.e. after delay of one day without giving any explanation of delay and apart from that the present FIR has been filed by the informant only to save his own skin in connection with Shikarganj P.S. Case No. 48 of 2026. Although the petitioner is named in the FIR and there is specific allegation against him in the FIR that he assaulted to the father of the informant but the informant has nowhere stated in the FIR that on which part the petitioner had assaulted his father. He further submits that the petitioner is in custody since 27.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail



in the said matters.

6. Considering the aforesaid facts and circumstances, there is case and counter case between the parties and there is no specific allegation against the petitioner in the FIR, 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 Sub-Divisional Judicial Magistrate, Sikarahana, Dhaka, East Champaran, Motihari in connection with Shikarganj P.S. Case No. 49 of 2026, subject to 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 his absence on two consecutive dates without sufficient reason, his 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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