

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32645 of 2026

Arising Out of PS. Case No.-311 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

=====

Deepak Kumar Sah @ Deepak Kumar, aged about 28 years, Male, S/O
Budhan Sah, R/O Village- Bhatauni, P.S- Simri Bakhiyarpur, Distt.- Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Simri Bakhtiyarpur PS Case No.311 of 2025 dated 13.10.2025,
instituted under Sections 126(2), 115(2), 117(2), 118(1), 109,
324(4), 132, 223, 352, 351(2), 3(5) of the *Bharatiya Nyaya
Sanhita*, 2023.

3. As per prosecution case, on the alleged date of
occurrence, the informant arrived at Bhatauni, Police Station
Simri Bakhtiyarpur District- Saharsa, to take possession in light
of direction issued by the court of Munsif, Simri Bakhtiyarpur
in Title Execution Case No. 01/2010. For compliance and
executing the order passed in Title Execution Case No.01/2010,



Circle Officer, Simri Bakhtiyarpur, with Government Amin, one Inspector along with four male constable and two female constable also reached there. At the disputed plot S.H.O. along with police force were present there. By order of Circle Officer the disputed land was marked and order of the Civil Court was communicated there and thereafter execution proceeding was started, after an hour, family members of the accused person came there with *lathi*, *danda*, brick, stone and red chilli powder, and attacked on them. It is further alleged that co-accused Amit Kumar, assaulted the informant on his head by means of iron rod due to which he sustained injury, and fell down. It is further alleged that Deepak Sah (petitioner) and Budhan Sah started pelting the stone on the informant and his associates, as a result mirror of the vehicle got broken. It is further alleged that female member of the Budhan Sah's family, threw red chilli powder.

4. Learned counsel for the petitioner submits that the allegation against the petitioner is that he pelted stones and was involved in brick-batting due to which the car of the informant got damaged. There is no allegation of assault on the person of the informant. Further submission is that the informant was examined by the doctor after two days of the occurrence and the injury sustained by the informant is said to be simple in nature



caused within six hours which itself falsifies the prosecution case. Further, it is submitted that similarly situated co-accused, Budhan Sah, has been granted bail by a co-ordinate Bench of this Court vide order dated 06.05.2026 passed in Cr. Misc. No. 29942 of 2026. Lastly, the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in Simri Bakhtiyarpur PS Case No.311 of 2025, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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