

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29942 of 2026

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

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Budhan Sah S/o Late Baguli Sah R/o Village - Bhatauni, PS - Simri
Bakhtiyarpur, 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, Adv.

Mr. Jivitesh Sisodia, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 311 of 2025 registered for the offence under Sections 126(2), 115(2), 117(2), 118(1), 109, 324 (4), 132, 223, 352, 351(2), 3(5) of BNS, 2023.

3. As per prosecution case, on 12/10/2025, at approximately 11:30 a.m., informant arrived at Bhatauni, Police Station Simri Bakhtiyarpur District- Saharsa, to take possession in light of direction issued by the court of Learned 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 alongwith 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 marked the disputed land 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, blowed an iron rod to the Informant on his head, and he sustained an injury, and he fell down. It is further alleged that Budhan Sah (petitioner). Deepak Kumar Sah started to 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, throwed red chilli powder. Due to the above reason the execution proceeding was not completed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no and he has falsely been implicated in this case. Learned counsel for the petitioner next submits that only allegation against the petitioner is of throwing stones and brickbats, which resulted in the car of the informant getting damaged. Learned counsel for the petitioner also submits that the injury report is also delayed by two days



that also discloses the injury to be simple in nature within six hours. The petitioner also has clean antecedent.

5. The learned APP opposes the anticipatory bail application.

6. From the reading of the FIR, it appears that only allegation against the petitioner is of throwing stones and brickbats which resulted in the car of the informant getting damaged. The injury report is also delayed by two days and that also discloses the injury to be simple in nature within six hours. Meaning thereby that on the date of incidents there was no injury. The petitioner also has clean antecedent. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur P.S. Case No. 311 of 2025, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and



with following conditions:

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Prakash Narayan

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