

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33415 of 2026

Arising Out of PS. Case No.-1030 Year-2025 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Shiv Shankar Sah @ Shiv Shankar Kumar, S/o Yogendra Sah, resident of
Village - Chousima, P.S. - Sadar, Dist. - Muzaffarpur, Bihar - 843113.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Adv.
Mr. Ram Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State through *virtual mode*.

2. The petitioner is apprehending his/her arrest in
connection with Sadar P.S. Case No. 1030 of 2025 registered for
the offence(s) under Section(s) 126(2), 115(2), 118(1), 352,
351(2), 109, 74, 303(2) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023 (B.N.S.).

3. The prosecution case, as made out by the
informant, is that the named accused persons including the
petitioner came armed with lathi, danda and farsa and started
abusing the informant. It has been alleged that the petitioner,
namely, Shiv Shankar Shah, along with one Ravi Shankar Shah,



assaulted the son of the informant, namely, Amit Kumar, by means of a farsa on his head, as a result of which he sustained cut injuries. It has further been alleged that all the accused persons thereafter assaulted the informant, his wife and his son. There is also an allegation that the accused persons took away Rs. 51,000/- and a gold chain from the pocket of the informant.

5. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with general and omnibus allegations. It has been submitted that the petitioner and the informant's side are close agnates and due to a boundary dispute, the alleged incident is said to have occurred. It has further been submitted that for the same occurrence, case and counter-case have been instituted between the parties and both sides have sustained injuries. In fact, one of the accused persons, namely, Yogendra Sah, the father of the petitioner, sustained grievous injuries. It has further been submitted that the alleged occurrence took place on 30.11.2025, *i.e.*, after a delay of three days. It has also been submitted that the specific allegation of assault is against the son of the informant, namely, Amit Kumar, who has admittedly sustained simple injuries.

5. It has been submitted on behalf of the petitioner that co-accused, namely, Yogendra Sah, who is the father of the



petitioner, has already been granted the privilege of anticipatory bail by a Coordinate Bench of this Court *vide* order dated 13.05.2026 passed in Cr. Misc. No. 33125 of 2026. It has lastly been submitted that the petitioner carries no criminal antecedent.

6. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his/her arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his/her 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 concerned Court/successor Court where the case is pending in connection with Sadar P.S. Case No. 1030 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

- (i) One of the bailors of the petitioner shall be his/her



close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. 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.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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