

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40477 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- CHHATAUNI District- East Champaran

Ram Kishore Sah Son of Late Badari Sah Resident of Village- Chhatauni
Bazar @ Chhatuani Bazar, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Chhatauni P.S. Case No. 44 of 2026, registered for the offences punishable under Sections 115(2), 118(1), 117(2), 109, 352, 74, 3(5) of the BNS.

3. Allegedly on the given date and time while the father of the informant was coming from his shop, in the meanwhile, the petitioner caught hold the hands of the informant's father, whereupon co-accused Manju Lal Sah brutally assaulted him by means of brick over his head due to which he sustained serious injury. There is further omnibus allegation against others.

4. Learned Advocate for the petitioner submitted that



prior to the institution of the present case Chhatauni P.S. Case No. 43 of 2026 was instituted against the informant and others in which petitioner and others have sustained injuries. So far the present case is concerned, allegedly the incidence has taken place on 16.01.2026 but the present FIR has been instituted on 20.01.2026 without there being any plausible explanation. It is further submitted that on 19.01.2026 the informant and others have entered into the shop of the petitioner and assaulted the staff of the shop and demanded extortion which led to lodging of Chhatauni P.S. Case No. 54 of 2026. The CCTV footage clearly suggests that the informant and others have committed crime. So far the injury which is inflicted upon the father of the informant is concerned, though the same has been specifically attributed to co-accused, but till date neither any final opinion has been submitted nor it has been deliberated in the impugned order. The petitioner bears one criminal antecedent but the same relates to Bihar Prohibition and Excise Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that had the petitioner not been caught hold of the hands of the informant's father, he might have been able to save himself but because of his involvement, the father of the informant has



sustained injuries which may prove fatal.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of accusation, coupled with the factum of case and counter case as well as delay in lodging of the FIR, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 44 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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