

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44102 of 2026

Arising Out of PS. Case No.-412 Year-2026 Thana- SIKARPUR District- West Champaran

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Nathuni Mian S/o Late Sanatan Mian R/o Vilage - Mangrahari, Ward no. 1,
P.S. - Shikarpur, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Shikarpur P.S. Case No. 412 of 2026 instituted for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109(1), 325, 303(2), 351(1) and 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, allegation against the petitioner is that he has assaulted the father of the informant with stick and thereafter rest of the accused persons assaulted



him with lathi, iron rod and farsa.

4. Learned counsel for the petitioner submits that the petitioner happens to be a septuagenarian and on account of a previous dispute, the present case has been lodged and the occurrence took place in the heat of the moment. It has been submitted that the petitioner too was assaulted and his injury report has been brought on record by way of Annexure-3, whereby it would be found that he had also received injuries, however simple in nature. The learned counsel for the petitioner further submits that the injury report of the father of the informant has also been brought on record and from the expert opinion, it is evident that the wounds sustained by the injured had caused soft tissues swelling meaning thereby that it was a very superficial injury, while the fracture caused on the finger is attributed to other accused persons. It has next been submitted that for the same incident the petitioner's side had lodged a case which was Shikarpur P.S. Case No. 409 of 2026 and as an afterthought, the present case was lodged after the case was lodged by the petitioner implicating the petitioner. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.



6. Considering the facts aforesaid, the petitioner is directed to 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, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 6th , Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 412 of 2026, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident:

(ii) the petitioner will remain physically present on each and every date fixed by the Court below, if so required by the learned Trial Court and shall cooperate in the investigation;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.



(v) If the petitioner, in future, is found to be involved in similar nature of offence, the prosecution shall be at liberty to move for cancellation of his bail bonds.

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

(Sourendra Pandey, J)

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