

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44204 of 2026

Arising Out of PS. Case No.-216 Year-2026 Thana- BAIRIYA District- West Champaran

Shivam Raj Son of Surendra Singh Ro Village - Shahpur, P.S. - Chenari, Dist.
- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate
		Mr. Amit Anand, Advocate
For the Opposite Party/s :		Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2026 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bairiya P.S. Case No. 216 of 2026 registered for the alleged offences under Sections 352, 351(2), 127(2), 127(4), 115(2), 318(4), 329(3), 143, 132 and 61(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner has been working with one South Bihar Welfare Society for Tribal (Ashray), Ranchi as one of the attendants. Allegation against the petitioner and his employer is that they have been given an Old Age Home at West Champaran for running and though the agreement came to an end on 15.04.2026, the Society of petitioner continued running the Old Age Home. Further



allegation against the Society and the petitioner is that they shifted 22 old persons from the Old Age Home and their whereabouts were not known and this petitioner, along with other co-accused persons, used to threaten the remaining residents and further used to assault them.

04. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a case of complete *malafide* on part of the informant. The South Bihar Welfare Society for Tribal (Ashray), Ranchi filed CWJC No. 6928 of 2026 in this Court on 08.04.2026 for directing the State authorities to make payment of dues amounting Rs. 50,69,302/- which has already been admitted and the concerned official has also sent a letter for the allotment of Rs. 53,14,635/- and issued direction to make the payment to the Society. Since the District Level Officer of Social Security Department had been demanding extraneous consideration for making payment of admitted dues, the Society was forced to file another writ before this Court vide CWJC No. 7729 of 2026 on 18.04.2026 praying for instituting a vigilance inquiry against the then Additional Director, Social Security, West Champaran. In retaliation thereof, a raid was orchestrated in illegal manner with completely false allegation. Learned senior counsel further submits that from the written report leading to



registration of FIR, it is very much evident that the FIR has been registered on surmises and conjecture. Though there is allegation of human trafficking and organs smuggling, there is no material to support this contention. Further allegation of assault by the petitioner and other co-accused persons to the inmates of the Old Age Home is not supported by any medical report or injury report. Learned senior counsel further submits that the inmates were brought by administration and they were not brought there by any NGO or the Society which had been running the Old Age Home. Learned senior counsel further submits that the agreement of the society of the petitioner has been terminated but on same terms and conditions, another NGO by the name of Umang has been allowed to run the Old Age Home. Learned senior counsel further submits that if there was any violation of terms of agreement, a notice was supposed to be given. But no such notice was given. If there was any violation of terms and conditions that would give rise to a civil dispute and institution of FIR is a misuse of process of law. In any case, the allegations are quite vague and not believable. The petitioner is having clean antecedent and is in custody since 06.05.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the vague and improbable nature of allegation and further considering the civil nature of dispute and also considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Bettiah/court concerned in connection with Bairiya P.S. Case No. 216 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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