

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46567 of 2026

Arising out of PS. Case No.-168 Year-2025 Thana- Manuapul District- West Champaran

Mahendra Sah @ Mahendra Prasad son of Dularchan Sah R/o village.- Heera
Pakad, Ward no. 7, P.S.- Manuapool, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and
learned APP for the State

2. The petitioner apprehends his arrest in connection with Manuapool P.S. Case No. 168 of 2025 registered under Sections 190, 191(2), 191(3), 74, 126(2), 115(2), 118(1), 109(1), 303(2), 308(2), 308(3), 351(2) and 352 of BNS.

3. Allegation in the F.I.R is that the petitioner along with others came to the shop of the informant and consumed cold drink and on demand of payment of the same, they refused for payment and abused the informant and assaulted him with fists and slaps. It is further alleged that ten unknown persons also arrived there with lathi, danda and farsa in their hands and



they hit on the head of the informant and they also took away of Rs. 5,000/- cash from the shop.

4. It is submitted by learned counsel for the petitioner that the facts narrated in the First Information Report itself indicate that the allegation made against him is that of assaulting against Rohit Kumar on his head when he intervened in order to rescue the informant. The injury report of Rohit Kumar (Annexure-2) indicates that Rohit Kumar has sustained only one injury caused by hard and blunt substance which is also simple in nature and it is thus submitted that Section 109 of BNS would not get attracted as there is no repetition of blow. However, there is a case and counter-case and the petitioner had also received injuries and his injury report has also been brought on record by way of Annexure-3 series. It is further submitted that the petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the



simple nature of injury attributed to the petitioner and existence of case and counter-case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Manuapool P.S. Case No.168 of 2025 on each of them furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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