

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49916 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- RAXAUL District- East Champaran

Sharwan Das S/O Late Maya Das Residnet of Mohalla- Bharatmahi, Ward
No. 04, P.S- Haraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Haraiya P.S. Case No. 46 of 2026, registered for the offences punishable under Sections 115(2), 118(1), 117(2), 303(2), 326(7), 109 of the BNS, 2023.

3. The prosecution case, in brief, is that the petitioner, Sharwan Das along with the co-accused allegedly forming an unlawful assembly, entered the house of the informant forcibly and assaulted the informant alongwith his family members with lathis, iron rods and a fire-arm, causing injuries. It is further alleged that the accused persons looted cash, gold and silver ornaments and set the house of the informant on fire, resulting into substantial loss of property.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that no such occurrence took place and that the allegations are exaggerated. He has further submitted that, besides this allegation, there is no other overt act which has been assigned to the petitioner. He has also submitted that no injury was caused to the son of the informant. He has next submitted that when petitioner tried to shoot but couldn't open fire as son of the informant concealed himself in the house. He has further submitted that the petitioner is a person of clean antecedent and has been in judicial custody since 13.04.2026.

5. On the other hand, the learned APP for the State has opposed the prayer for bail but has reiterated the allegation that the petitioner only made an attempt to fire, but the firing never happened.

6. Taking into account the entire facts and circumstances of the case, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul East Champaran, Motihari/concerned court in connection with Haraiya P.S. Case No. 46 of 2026, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(Raj Kumar, J)

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