IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72062 of 2026

CNR No. BRHC011013682026

Arising Out of PS. Case No.-67 Year-2026 Thana- MADHAURAH District- Saran

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Mausam Kumar Son of Saroj Sahni R/o village - Nautan Mathiya, P.S.- Marhowrah @ Marhaura, Dist.- Saran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 67 of 2026 for the offence under sections 126(2), 115(2), 351(2), 352, 303(2), 109 and 3(5) of the Bharatiay Nayay Sanhita lodged on 20.01.2026 by the informant, Pujan Sahni.

3. As per the prosecution story, the informant alleged that he is in the business of selling of the fish after purchasing it from Saroj Sahni (father of the petitioner). On the fateful day, he wanted 20kg fish but was refused. Upon his protest that everyday he sells the fish and today he is being ignored, Saroj Sahni firstly ordered his son (petitioner herein) to assault the informant and later himself took the initiative and gave sickle

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blow on the chest and the head causing injuries. They also took the money that he was carrying. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that the main allegation of abuse/order giver/assault is on Saroj Sahni which caused injury to the informant. Only allegation against the petitioner is that he snatched the money, the petitioner is the student having no role to play in the matter, has no criminal antecedent.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner on its own would like to contribute Rs. 5,000/- towards the medical assistance through Demand Draft issued by the local State Bank of India/any Nationalized Bank branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer submitting that he was also part and parcel of the assault.

7. Taking into account the submissions of the parties, though injuries have been found on the person of the informant as narrated by the learned Sessions Judge, it is attributed to Saroj Sahni who gave sickle blow, the petitioner has no criminal

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antecedent, he is a student, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs.5,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India branch/any Nationalized bank branch to be submitted to the Trial Court and handed over to the informant.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. at Chhapra in connection with Marhowrah P.S. Case No. 67 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

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(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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