IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74265 of 2026

CNR No. BRHC011033322026

Arising Out of PS. Case No.-50 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Raj Kumar @ Raj Kumar Sahani S/o Lalbabu Sahani R/o Tikuliya(Bibutola), P.s. - Motihari Muffasil, DIstrict - East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

3 20-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 50 of 2026 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 103(1) and 3(5) of BNS, 2023.

3. As per prosecution case, petitioner and other armed with weapon formed an unlawful assembly proceeded towards informant's gate and started abusing. When the same was protested by the informant's father, co-accused Ram Iqbal Sahani assaulted the informant's father upon his head by means of iron rod as a result of which he sustained head injury.

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Thereafter, petitioner is alleged to have assaulted upon the head of the informant's father by means of iron rod as a result of which informant's father fell down. It is alleged that all the accused persons started assaulting informant's father by means of *lathi*, *danda* and *mungdi* and he succumbed to injuries on the spot and other family members of the informant sustained serious injuries.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case on account previous enmity. He further submits that the dispute has arisen between the petitioner's side and the informant's side on account of irrigation of the wheat crops. Petitioner is in custody since 22.07.2026 and bears no criminal antecedent. Learned counsel has also highlighted that one co-accused person has also assaulted the informant's father on head.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner who is said to have assaulted upon the head of the informant's father by means of iron rod and post morterm report clearly reflects that how two injuries have

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been sustained by the deceased upon his head and the two injuries clearly corroborates that one of the injuries has been inflicted by the petitioner. He further submits that the *post portem* report reflects that informant's father sustained following injury :-

> *(1) Swelling present on left temporal region of head.*
>
> *(2) Lacerated wound over left side temporal region of head of size – 1½" x 1" with bone touch.*
>
> *Opinion :- The cause of death is haemorrhage and shock due to above mentioned injury caused by hard and blunt substance.*

In this way, the very allegation is fully corroborated by the *post mortem* report. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner in the FIR coupled with the *post mortem* report, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner stands rejected.

8. However, the trial court is directed to take steps to

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conclude the trial as early as practicable.

(Alok Kumar Pandey, J)

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