IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80648 of 2026

CNR No. BRHC011138642026

Arising Out of PS. Case No.-92 Year-2026 Thana- Bhelahi District- East Champaran

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1. Banti Sah, Son of Makhan Sah, Resident of Village - Bharwaliya, P.S.- Bhelahi, District- East Champaran.
2. Mithun Kumar, Son of Banti Sah, Resident of Village - Bharwaliya, P.S.- Bhelahi, District- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Petitioners, who are in custody, seek bail in connection with Bhelahi P.S. Case No. 92 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 117(1), 118(1), 109(1), 76, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the petitioners are alleged to have assaulted the prosecution side, wherein it is alleged that petitioner no. 1 has assaulted Rahul Kumar in his right eye, while petitioner No. 2 has assaulted Ravi Kumar, resulting in a fracture of his hand.

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4. The learned counsel for the petitioners submitted that the petitioners have falsely been implicated in this case and no such occurrence as alleged has occurred. It has further been submitted that there was a case and counter case for the same incident and both sides had suffered injuries. It has next been submitted that as far as petitioner no. 1 is concerned, he is stated to have assaulted Rahul Kumar, but there is no injury report with regard to him, while, as far as the causing of fracture by Mithun Kumar is concerned, the same is on the non-vital parts of the body. It has lastly been submitted that the petitioners have no criminal antecedent and they are in custody since 02.09.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhelahi P.S. Case No. 92 of 2026, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be local

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resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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