

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84709 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- MALAHI District- East Champaran

1. Panalal sah @ Pannalal Sah S/O Harendra sah Ressident of Village- Malahi Pachrukhiya, P.S.-Malahi, District-East Champaran
2. Harendra Sah Son of Late Nathuni Sah Ressident of Village- Malahi Pachrukhiya, P.S.-Malahi, District-East Champaran
3. Niraj Kumar Son of Hiralal Sah. Ressident of Village- Malahi Pachrukhiya, P.S.-Malahi, District-East Champaran
4. Sandesh Kumar@Sandesh kr. Son of Ravindra Sah. Ressident of Village- Malahi Pachrukhiya, P.S.-Malahi, District-East Champaran
5. Mahendra Sah Son of Late Nathuni Sah Ressident of Village- Malahi Pachrukhiya, P.S.-Malahi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 17-03-2026 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on on behalf of the informant.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw this anticipatory bail application with regard to Petitioner No. 5, namely Mahendra Sah, as during pendency of this case, Petitioner No. 5 has already been arrested and the same has become infructuous.

3. Permission, as prayed for, is accorded.



4. Accordingly, this anticipatory bail application with regard to Petitioner No. 5 stands dismissed as withdrawn.

5. Petitioner Nos. 1, 2, 3 and 4 apprehend their arrest in a case registered for the offence punishable under Sections 115(2), 126(2), 109, 303(2) and 352 of the B.N.S..

6. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including these petitioners, forcibly entered into house of informant and thereafter, abused and assaulted informant and his family members. It is further alleged that the accused persons also took away valuable ornaments and cash.

7. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and due to petty dispute over drainage, simple *maar-peeet* took place between the parties. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these petitioners. Doctor has found the injuries, allegedly caused by Petitioner Nos. 2, 3 and 4, simple in nature. Rest of the allegations are ornamental in order to make the case grave. Petitioners claim clean antecedents.

8. On the other hand, learned A.P.P. for the State and



learned counsel appearing on on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that they assaulted informant and others. Doctor has found the injuries, caused by Petitioner No. 1, grievous in nature.

9. Considering the facts and circumstances of the case, specific and direct nature of accusation and nature of injuries allegedly caused by Petitioner No. 1, the prayer for grant of anticipatory bail to Petitioner No. 1 is rejected.

10. So far as Petitioner Nos. 2, 3 and 4 are concerned, considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of injuries allegedly caused by these petitioners and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 2, 3 and 4 is allowed.

11. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 2, 3 and 4 be enlarged 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 learned J.M. 1st Class, Motihari, East Champaran in connection with Malahi P.S. Case



No. 80 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

12. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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