

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85667 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- NAUTAN District- West Champaran

Munna Sah @ Munna Kumar, Son of Ramji Sah, R/o - Budhwaliya, Ward no. 12, P.S - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 86565 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- NAUTAN District- West Champaran

Dinanath Sah, Son of Late Dharichhan Sah @ Late Dharikshan Sah @ Late Gharikshan Sah, Resident of village - Budhwaliya, Ward No. - 12, Police Station - Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85667 of 2025)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Pankaj Kumar, Advocate

For the Informant : Mr. Ram Adya Singh, Advocate

For the State : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 86565 of 2025)

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Informant : Mr. Ram Adya Singh, Advocate

For the State : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-01-2026 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under Sections
191(2), 190, 126(2), 127(2), 115(2), 118(1), 109, 103, 352,



351(2) of B.N.S.

3. The case of the prosecution, in short, is that a *panchyati* was going between the parties. When the husband of the informant tried to put forward his point, he was being stopped and was abused. After twenty minutes of *panchayati* Kailash Mukhiya gave order to assault, on this Dinanath Sah assaulted with iron pipe on the back of the head of Suresh Sah. It is further alleged that as the husband of the informant fell down Munna Sah assaulted with *lathi* on the head. When the family members came to rescue, they were also being assaulted.

4. Learned counsel for the petitioners has submitted that prayer for bail of these petitioners were rejected twice by this Court vide order dated 11.02.2025 and 29.08.2025. Vide order dated 11.02.2025, the petitioners were given liberty to renew their prayer for bail after six months, if so advised. Vide order dated 29.08.2025, the petitioners were given liberty to renew their prayer for bail after three months if the trial is not concluded. Petitioner are having no criminal antecedent and they are languishing in custody since 31.08.2024 and 02.09.2024 respectively.

5. Learned counsel for the petitioner has submitted that from the report of the trial Court, it is clear that still three



witnesses are to be examined.

6. The learned APP appearing for the State and counsel for the informant have vehemently opposed the bail. Learned counsel for the informant has submitted that there is direct allegation against both the petitioners. It has also been submitted that trial is at its fag end.

7. Learned APP for the State has further submitted that the petitioners are the main assailant in the present case. He has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

8. Considering the fact that it is a case of Section 103 of B.N.S. and petitioners are the main assailant, this court is not inclined to extend the privilege of bail to the petitioners. Accordingly, the prayer for bail is rejected.

9. However, the learned trial Court is hereby directed to expedite the trial and conclude the same within a period of three months by conducting calendar trial of this case.



10. Petitioners are at liberty to renew their prayer for bail after three months if the trial is not concluded.

11. Before parting, I would like to make clear that calendar trial means fixing the date in advance and informing the parties and Investigating Officer.

(Ashok Kumar Pandey, J)

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