

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87487 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- MALAHI District- East Champaran

Rajkumar Sah Son of Late Singhasan Sah R/o village - Sirani Mathiya, P.S.-
Malahi, District - East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar Ii, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Sumit Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-01-2026 A supplementary affidavit filed on behalf of the
petitioner is accepted and the same is kept on record.

2. Heard Mr. Dhannjay Kumar Ii, learned counsel for
the petitioner, Mr. Sumit Kumar Gupta, learned counsel for the
Informant as well as Mr. Jai Narain Thakur, learned Additional
Public Prosecutor for the State.

3. Petitioner seeks bail who is in custody since
03.09.2025 in connection with Malahi P.S. Case No. 05 of 2025,
F.I.R. dated 05.01.2025 for the offences punishable under Sections
126(2), 117(2), 74, 118(1), 303(2), 115(2), 109/3(5), 352, 351(3)
of the Bharatiya Nyay Sanhita, 2023.

4. According to prosecution case, the informant alleged
that when she was sitting at her door then the petitioner along with
other co-accused persons came and started abusing her and on
protest, the accused persons assaulted her by means of iron blow



and when informant's family members came to save her then the accused persons assaulted them also.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and both the parties are agnates to each other. From bare perusal of the FIR it appears that due to previous land dispute the present occurrence has taken place. Although the petitioner is named in the FIR and there is specific allegation against him that he assaulted to one Runa Devi and Santosh Sah and both persons received injury but injury of Runi Devi is simple in nature whereas injury of Santosh Sah is grievous in nature. He further submits that the police after investigation submitted the charge sheet and the petitioner is in custody since 03.09.2025.

5. The learned Additional Public Prosecutor as well as learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and injury of Santosh Sah appears to be grievous in nature.

6. Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned C.J.M., Motihari, East Champaran in connection with Malahi P.S. Case No. 05 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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