

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91411 of 2025

Arising Out of PS. Case No.-361 Year-2025 Thana- MADHUBAN District- East Champaran

Omnath Kumar Sah @ Amarnath Sah @ Amarnath Kumar@Amarnath
Kumar@Aomnath Kumar S/o Rajesh Sah Resident of Pundar, ward no 12,
P.S- Madhuban, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 361 of 2025, registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352 of the BNS.

3. On account of a dispute, in course of measurement of the land, allegedly the petitioner made exhortation to the other accused persons, besides he assaulted the informant by means of *khanti* over the head of the informant due to which he sustained serious injury. There is further allegation against co-accused Rahul Kumar, who has further assaulted the informant by means of *farsa*. Co-accused Rita Devi allegedly snatched the golden chain from the informant's neck and fled away.



4. Learned Advocate for the petitioner submitted that from bare perusal of the FIR it is evident that the occurrence took place on account of land dispute. The injuries which are allegedly sustained to the informant are concerned, the same have been found to be simple in nature. To support the aforesaid contention, attention of this Court has been drawn to the impugned order which categorically discussed the nature of injury. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of the assault being made by the petitioner along with other co-accused persons, the informant has sustained serious injury.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the genesis of the occurrence, coupled with the delay in lodging of the FIR, besides the simple nature of injury and the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Madhuban P.S. Case No. 361 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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