

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 491 of 2026

*(Arising out of Baikunthpur P.S. Case No. 205 of 2026, registered U/S 126(2), 115(2),
118(1), 117(2), 109(1) and 352/3(5) of the B.N.S.)*

In the matter of :-

Name of the petitioner	: Jitendra Sah.
F.I.R. U/S	: 126(2), 115(2), 118(1), 117(2), 109(1) and 352/3(5) of the B.N.S.
Charge-Sheet U/S	: not submitted.
Counsel for the Petitioner	: Shri Ajay Kumar Srivastava, ld. Adv.
Counsel for the State	: Shri Deo Vansh Giri, ld. P.P.

ORDER

10-06-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 18-04-2026, in connection with Baikunthpur P.S. Case No. 205 of 2026, registered U/S 126(2), 115(2), 118(1), 117(2), 109(1) and 352/3(5) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on the basis written application of the informant, Baikunthpur P.S. Case No. 205 of 2026 has been lodged against the petitioner and others. It is inter alia alleged in the F.I.R. that on 12-04-2026 at about 06:00 pm, petitioner along with other accused persons owing to the dispute of drainage of water started abusing. Informant forbade to abuse, petitioner Jitendra Sah inflicted rod blow on the head of the informant and she sustained bleeding injury in his head and he fell down and petitioner again inflicted and she sustained fracture injury in her fingers. After that all the accused persons assaulted the informant severely. When Indu Devi rushed to save the informant, accused Nitesh Kumar inflicted pipe blow on her head and she sustained bleeding injury on her head. When informant's father-in-law rushed to save, accused Sikandar Sah attacked upon him with lathi and he sustained injury near his eye. After that all the accused persons assaulted the informant and his relative severely.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner has got no criminal antecedent. It is further submitted that there is two days delay in lodging the F.I.R. and there is no explanation in this regard. It is further submitted that there is dispute of drainage of water between the parties. It is further submitted that informant side assaulted the petitioner and his

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family members for which Baikunthpur P.S. Case No. 211/26 has been lodged. It is lastly submitted that injuries are superficial in nature and the petitioner appears to be in custody since 18-04-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that petitioner is named in the F.I.R. against whom there is allegation he has allegedly inflicted rod blow on the head of the informant and she sustained bleeding injury in his head and he again inflicted blow upon her and she sustained fracture injury in her fingers. It further appears that owing to the dispute of drainage of water, occurrence took place between the parties. Although, informant and witnesses at para-04, 06 and 07 of the case diary have supported the case of the prosecution but they have stated that due to the dispute of drainage of water, occurrence has taken place between the parties. Para-05 of the case diary shows that both the parties lives in one house due to dispute of drainage of water, occurrence took place between the parties. Para-17 of the case diary shows that petitioner has got no criminal antecedent. Independent witnesses at para-36 and 37 of the case diary have repeated the version of the prosecution and they have stated that occurrence has taken place between the parties due to the dispute of drainage of water. From perusal of the injury reports of injured persons at para-42 of the case diary, it appears that only injury no. 3 of the informant is found to be grievous in nature and other injuries are found to be simple in nature caused by hard and blunt substance. From perusal of the injury reports of injured persons at para-43 and 44 of the case diary, it appears that injuries are found to be simple in nature caused by hard and blunt substance. The petitioner appears to be in custody since 18-04-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of the case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below

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subject to conditions that one of the bailors shall be close relative of the petitioner and one shall be local with further condition that petitioner will file an undertaking that he will cooperate in the investigation or trial and he will not temper with the evidence.

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

(Dictated)

**(Geeta Gupta)
Principal Sessions Judge, Gopalganj.**