

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58756 of 2025

Arising Out of PS. Case No.-255 Year-2024 Thana- CHAKIA District- East Champaran

Prabhu Sah Son of Yogeshwar Sah Residents of Village- Ghashi Pakar, Ward No.3, P.S.-Chakia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Sumit Kr. Gupta, Adv. Ms. Isha Mishra, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Chakia P.S. Case No. 255 of 2024 registered for the offence under Sections 126(2), 115(2), 118(1), 109, 74, 303(2), 352, 351(2), 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 12.04.2025.

4. As per FIR, petitioner alleged to assault father-in-law and maternal uncle of informant by using sword causing head and bodily injury, where the assault was alleged to be made with an intention to cause their death, where occurrence is alleged to be arising out of neighborhood dispute and



differences.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation against petitioner is to assault father-in-law and maternal uncle of informant by using sword but upon medical examinations the injuries as received by them found to be caused by hard and blunt substance, creating a doubt prima-facie towards allegation. It is submitted that the occurrence in issue is free fight in nature arising out of neighborhood trivial issues where both parties received injuries during the occurrence for which co-accused Hema Devi also lodged a case against informant's side which was registered as Chakia P.S. Case No. 256 of 2024. It is submitted that nature of occurrence, injury as alleged to be received by injured, nature of injury and also post conduct occurrence of petitioner nowhere suggests that the petitioner was under intention to cause death of the father-in-law and maternal uncle of informant. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover,



investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that allegation is specifically available against this petitioner as to cause head injury to injured.

7. In view of aforesaid factual submission and by taking note of fact as occurrence appears *prima-facie* free fight in nature negating *prima-facie* intention to cause death, coupled with fact that investigation of this case already completed where petitioner remains in custody since 12.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Chakia P.S. Case No. 255 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge 11th, East Champaran, Motihari /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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