

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10664 of 2026

Arising Out of PS. Case No.-413 Year-2025 Thana- MADHAURAH District- Saran

1. Rahul Kumar @ Hemant Kumar S/O Manoj Ray R/O Village- Bhaluhi, P.S- Marhaura, Distt.- Saran.
2. Rohit Kumar S/O Manoj Ray R/O Village- Bhaluhi, P.S- Marhaura, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Marhaura P.S. Case No. 413 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2), 3(5) of BNS.

3. As per FIR, petitioners alleged to assault informant and others causing head and bodily injuries, where alleged assault was made with an intention to cause their death. Dispute alleged to arising out of land dispute.



4. It is submitted by learned counsel appearing on behalf of the petitioners that occurrence was free fight in nature, therefore, it can be safely said that petitioners were not under intention to cause their death as they also received injuries and for same set of occurrence petitioner's side also lodged a police case which was registered as Marhaura P.S. Case No. 412 of 2025 which was lodged prior to this case. It is submitted that the learned trial court rejected the prayer of bail of petitioners for the simple reason that the injury report was not made available. It is submitted that only nature of injury is not a consideration to make out a prima-facie case under Section 109 BNS rather several factors are required to be taken into consideration. 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***. Petitioners claimed clean antecedent.

5 Learned APP opposes the prayer of bail.



6. In view of aforesaid factual submission and by taking note of fact as the allegation *qua* physical assault is appearing very general and omnibus against petitioners, where occurrence is free fight in nature arising out of land dispute, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran, Chapra /concerned Court, where the case is pending in connection with Marhaura P.S. Case No. 413 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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