

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21247 of 2026

Arising Out of PS. Case No.-28 Year-2024 Thana- BITHAN District- Samastipur

Rambabu Yadav @ Rambabu Kumar Son of Upendra Yadav R/o Village -
Sakrohiya, P.S. - Bithan, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Bithan P.S. Case No. 28 of 2024 registered for the offences punishable under Sections 323, 341, 307, 379, 448, 34 of IPC.

3. The allegation against petitioner is to assault informant and others, alongwith co-accused persons by means of spade, causing head and bodily injuries, where occurrence is alleged to be arising out of land dispute.

4. It would be apposite to mention that on earlier occasion Cr. Misc. No. 3324 of 2025 dated



12.02.2025 was dismissed by this court as after short argument, learned counsel appearing on behalf of the petitioner choosed not to press the prayer of anticipatory bail of the petitioner, whereafter, petitioner challenged the aforesaid order before Hon'ble Supreme Court through SLP (Cr.) Diary No. 36548 of 2025, which was also dismissed as petitioner sought permission to withdraw his petition, however, liberty was granted to approach this Court.

5. Hence the present anticipatory bail petition.

6. Learned counsel for the petition submitted that the occurrence was free fight in nature, where both parties received injuries and for same set of occurrence petitioner's side also lodged a case, which has been registered as Bithan P.S. Case No. 32 of 2024. It is pointed out that as occurrence was free fight, therefore, it can be safely said that petitioner was not under intention to cause death of the injured. It is further pointed out that only the nature of injury is not the



criteria to make out a case under Section 109 of BNS / 307 of IPC as several factors are required to be taken into consideration like nature of weapon, manner of assault, nature of injury, conduct of the accused person etc. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***State of Himachal Pradesh vs. Shamsher Singh*** reported in ***2025 INSC 503***.
Petitioner claimed clean antecedent.

7. Learned APP while opposing the prayer of bail submitted that the allegation to cause head injury is specifically available against this petitioner. It is submitted that upon medical examination the nature of injury found grievous. It is further argued by learned APP that alleged assault was made by using spade which is a dangerous weapon and therefore taking all three factors i.e., body part, nature of injury and nature of weapon, it can be gathered safely that the petitioner was under intention to cause death of the injured/ informant



8. In view of aforesaid factual submission and by taking note of fact as specific allegation is available against petitioner to assault on the head of the informant, which is vital part, where nature of injury also found grievous, accordingly, the prayer of anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J)

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