

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21508 of 2026

Arising Out of PS. Case No.-409 Year-2025 Thana- PIPRA District- Supaul

1. Vipin Mandal @ Shiv Shankar Kumar S/o- Sri Vishun Mandal @ Vishundev Mandal Resident of Village- Lalmaniya, Ward No-6, P.S- Pipra, District- Supaul.
2. Vishun Mandal @ Vishundev Mandal S/o- Late Kaleshwar Mandal Resident of Village- Lalmaniya, Ward No-6, P.S- Pipra, District- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Shankaram, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Pipra P.S.

Case No.409 of 2025 registered under Sections 191(2),

126(2), 118(1), 115(2), 303(2), 74, 109, 352, 351(2) of

Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

3. As per FIR, petitioners alleged to assault



informant during the course of occurrence causing head and bodily injury where alleged assault was made with the intention to cause death. It is alleged that the petitioner no.1 assaulted by using knife whereas the petitioner no. 2 assaulted informant by using *Khanti*.

4. It is submitted by learned counsel appearing for the petitioners that occurrence was free fight in nature, where both sides received injury and for the same set of occurrence, petitioners' side also lodged the case, which was registered as Pipra P.S. Case No. 411 of 2025. It is submitted that as occurrence was free fight in nature, it can be safely said that petitioners were not under intention to cause death. It is submitted that petitioner no. 1 was alleged to assault on hand of the informant by knife, where the nature of injury found simple in nature. In this context, it is further submitted that petitioner no. 2 was alleged to assault informant by using *Khanti* on his head, which upon medical examination though found grievous in nature but it did not appears repeated in want of any intervening circumstances and, therefore, merely on this



score alone it cannot be said that petitioner no. 2 was under intention to cause death of the informant. In support of his submission learned counsel submitted that several factors are required to be taken into consideration to make out a case for offence under Section 109 of the BNS like nature of injury, nature of weapons, manner of assault, the body part where assault was made, the conduct of accused person during course of occurrence etc. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court in the **State of Himachal Pradesh Vs. Shamsheer Singh [2025 SCC OnLine SC 807]**. Both petitioners claimed clean antecedent.

5. While concluding the argument, it is also submitted that informant himself is a man of criminal antecedent and for pending land dispute, for which a Title Suit is pending between the parties, present criminal case was lodged without any occasion.

6. Learned APP while opposing the prayer of bail submitted that nature of weapon, which is a "*Khanti*", and



a dangerous weapon, the body part where alleged assault was made is "head" and the nature of injury, which upon medical examination found "grievous" in nature, collectively constitute the intention of petitioner no. 2 during the course of occurrence as to cause death of the informant and as such sufficient to bring the allegation within the meaning of Section 109 of the BNS.

7. In view of aforesaid factual submissions and by taking note of fact, considering the nature of injury as alleged to be caused by petitioner no. 1, namely, Vipin Mandal @ Shiv Shankar Kumar, he is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Pipra, in connection with Pipra P.S. Case No.409 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

8. In view of specific allegation as to cause



grievous head injury during the course of occurrence the
prayer of anticipatory bail of petitioner, no.2, namely,
Vishun Mandal @ Vishundev Mandal stands rejected.

(Chandra Shekhar Jha, J.)

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