

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27228 of 2026

Arising Out of PS. Case No.-106 Year-2025 Thana- NADI District- Supaul

Md. Isa @ Md. Ishak Mansuri @ Md. Isak Mansuri S/o Md. Faturi Resident
of Village-Belhi, Ward No-07, P.S- Supaul Nadi Thana, District- Supaul,
State- Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Supaul Nadi Thana P.S. Case No. 106 of 2025 registered for the offences punishable under Sections 115(2), 126(2), 117(2), 109, 303(2), 351(2), 351(3), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, during course of occurrence, petitioner alleged to assault the informant on his head by butt of the gun. It is alleged that assault was said to be caused by other persons also, where injuries were inflicted with intention to cause death of the informant.

4. Learned counsel appearing on behalf of the petitioner



submitted that present occurrence took place due to neighbourhood dispute and differences. It is submitted that if the petitioner had intention to cause death, then, he had all occasion to open fire upon the informant having fire-arms in his hand, but he assaulted the informant by using butt of the gun which strongly negate his intention to cause death. It is further submitted by learned counsel that this FIR was lodged with an unexplained delay of eight days. While concluding argument, learned counsel submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that alleged assault was made on the vital part (i.e. head) of the body of the informant by the butt of gun, which may also proved fatal, but he fairly conceded that having all occasion available with the petitioner, he was not alleged to open fire upon the informant.

6. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* no allegation of firing appears available against petitioner rather he has assaulted the informant by using butt of the gun having all occasion to fire, *prima facie* negating his intention to cause death, accordingly,



above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Supaul /concerned court in connection with Supaul Nadi P.S. Case No. 106 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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