

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27226 of 2026

Arising Out of PS. Case No.-699 Year-2025 Thana- GOPALGANJ TOWN District-
Gopalganj

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Hemant Kumar Ram Son of Nandlal Ram Resident of Village - Kakarkund,
P.S. - Gopalganj Town, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Mithilesh Kr.Upadhyay, Advocate Ms.Tetara Kumari. Advocate Mr.Raju Prasad, Advocate
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary, APP

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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 Gopalganj Town P.S. Case No. 699 of 2025 registered for the offences punishable under Sections 191(2), 126(2), 115(2), 74, 118(1), 117(2), 352, 109, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to assault the informant and others along with other co-accused persons causing head and bodily injury, where alleged assault was said to be made by using *Farsa*, iron rod etc. It is alleged that assault was made with intention to cause death of the informant.



4. Learned counsel appearing on behalf of the petitioner submitted that occurrence was free-fight in nature where both parties received injuries and for the same set of occurrence petitioner has also lodged a case which was registered as Gopalganj P.S. Case No. 700/2025.

5. It is submitted that occurrence was free-fight in nature, therefore, it can be safely said that petitioner was not under intention to cause death as several other factors are required to be taken into consideration to make out a case for the offence punishable under section 109 of the B.N.S. corresponding to section 307 of the I.P.C.

6. In this context, 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 SCC OnLine SC 807**.

7. While concluding argument, learned counsel submitted that prayer of anticipatory bail of accused Ramita Kumari, Sona Devi and Seema Kumari was allowed by one of the learned coordinate Bench of this Court through Cr. Misc. No. 23611 of 2026 dated 16.04.2026.

8. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case, where he is



on bail.

9. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that there is specific allegation against the petitioner to cause head injury to the father of the informant namely, Sheo Deo Ram, which upon medical examination found grievous in nature, as it appears from the impugned order itself. It is submitted that aforesaid assault was made on vital part that too with deadly weapon like *Farsa*. All such things are sufficient to constitute *prima facie* intention to cause death on the part of the petitioner.

10. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* petitioner specifically alleged to cause grievous head injuries to the father of the informant by using *farsa*, accordingly, prayer of anticipatory bail of the petitioner stands rejected.

11. If the petitioner surrenders before learned trial court/concerned court, learned trial court may consider the prayer of bail of the petitioner, as per available merit, in accordance with law.

(Chandra Shekhar Jha, J)

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