

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27154 of 2026

Arising Out of PS. Case No.-547 Year-2025 Thana- BAHERI District- Darbhanga

1. Mithilesh Kumar @ Mithilesh Kumar Yadav S/o Jai Narayan Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
2. Jai Narayan Yadav S/o Ram Narayan Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
3. Tej Narayan Yadav S/o Ram Chandar Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
4. Babu Saheb Yadav @ Hakim S/o Ram Chandar Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
5. Bablu Yadav @ Bablu Kumar Yadav S/o Hukumdev Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
6. Ram Vijay Yadav S/o Ram Avtar Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.
7. Agnidev Yadav S/o Ram Sharan Yadav Resident of Village - Chakla, P.S. - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Yadav, Advocate
		Mr. Ugresh Kumar, Advocate
For the Opposite Party/s :		Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Ms. Madhumala Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioners apprehending their

arrest in connection with Baheri P.S. Case No. 547 of 2025

registered for the offences punishable under Sections

191(2), 190, 126(2), 115(2), 117(2), 118(1), 109(1),



329(4), 303(2), 351(2), 352 of Bhartiya Nayay Sanhita 2023.

3. As per FIR, petitioners alleged to assault informant and others during the course of occurrence by means of a *sword, iron rod, lathi* etc., causing head and bodily injuries, where alleged assault was made with intention to cause death. The occurrence took place due to land disputes.

4. It is submitted by learned counsel appearing on behalf of the petitioners that occurrence is free fight in nature, for which earlier case i.e. Baheri P.S. Case No. 546/2025 was lodged by petitioners's side. It is submitted that occurrence was free fight in nature arising out of land dispute, where both parties received injuries. It is pointed out that petitioners's side also received grievous injuries during the occurrence. It is further pointed out that the injury as alleged to cause by petitioner no. 1 to the informant upon medical examination found simple in nature, negating intention to cause death, whereas the injuries which alleged to be caused by petitioner no. 2, Jai Narayan Yadav



and petitioner no. 4 Babu Saheb Yadav @ Hakim appears on non-vital parts i.e. fracture of proximal phalanx of 2nd 3rd finger of right hand, and, therefore, same are on non-vital part of the body, further negating intention to cause death. It is further submitted that the allegation against rest of the petitioners is very much general and omnibus in nature, rather they are appearing only part of the mob without specifying any overt act.

5. Explaining criminal antecedent, it is submitted that the petitioner nos. 3 to 7 are of clean antecedent, whereas petitioner nos. 1 and 2 was made accused in Baheri P.S. Case No. 06/2007 for the offence punishable under Section 304(B)/34 of the IPC, where they were discharged by Adhoc Additional Sessions Judge, Darbhanga in S.Tr. No. 377/2015 vide order dated 23.10.2013 and, therefore, as of now they are also of clean antecedent.

6. Learned APP, duly assisted by learned counsel Ms. Madhubala Kumari, appearing on behalf of the informant, while opposing the prayer of bail submitted that the nature of injury is not the only criteria to gather



intention. It is submitted that the petitioner no. 1 was specifically alleged to equipped with sword and injury report suggest that the injured received five sharp cut injuries, which suggest that the informant was repeatedly assaulted by petitioner no. 1 using sword, which only *prima facie* suggest his intention to cause death, where the assault as alleged to be caused by petitioner nos. 2 and 4 upon medical examination found grievous injuries.

7. At this stage, it is submitted by learned counsel appearing for the petitioners that petitioner no. 2, Jai Narayan Yadav also received grievous injuries during the occurrence, which could not disputed by learned counsel appearing for the informant.

8. In view of aforesaid factual submissions and by taking note of the nature of injury as alleged to caused by petitioners and further as the occurrence is free fight in nature, the petitioner nos. 2 to 7 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 A.C.J.M.-VII,



Darbhanga/concerned Court, where the case is pending in connection with Baheri P.S. Case No. 547 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS, whereas the prayer of anticipatory bail of the petitioner no. 1, namely, Mithilesh Yadav @ Mithilesh Kumar Yadav, in view of the repeated five times assault on the head, which stands fully corroborated by the statement of the informant, and notwithstanding the fact that the injuries were found simple in nature upon medical examination, the prayer for anticipatory bail of the petitioner no. 1 stands rejected, as the nature of injury-whether simple or grievous is not the sole criteria for making out an offence under Section 109 of the BNS.

(Chandra Shekhar Jha, J)

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