

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27080 of 2026

Arising Out of PS. Case No.-247 Year-2025 Thana- GOVINDPUR District- Nawada

Om Prakash Yadav Son of Late Raj Kumar Yadav Resident of village
Bishanpur, P.S.- Govindpur, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Vibhuti Ranjan Sonvadra, Advocate
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr.Sheo Kumar Prasad, Advocate
		Mr.Vakil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2026 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 Govindpur P.S. Case No. 247 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 74, 76, 118(1), 109, 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, the informant alleged that petitioner along with other named co-accused persons assaulted him by means of *Khanti* and iron rod causing head and bodily injury and when his wife and grand-son came to rescue him, they were also assaulted by the accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that though through FIR, it is alleged that this



petitioner along with one Sujit Kumar Yadav assaulted on head of the informant where this petitioner assaulted by using *Khanti* (sharp edged weapon), but during course of investigation when his re-statement was recorded in paragraph 78 of the case diary, it was categorically stated by him that *Khanti* blow was made by Sujit Kumar Yadav and this petitioner was not said to assault him, rather it is stated that his wife and grand-son was assaulted by this petitioner and co-accused Jai Prakash Yadav.

5. In this context, it is submitted by learned counsel that even the NCCT report of the brain of the injured/informant nowhere suggest that he received any injury thereof, rather the injury was found upon the shoulder of the informant where the assault was made by other named co-accused persons not by this petitioner. It is submitted that the occurrence took place in the background of land dispute for which the counter case was also lodged by petitioner's side i.e. the wife of this petitioner and, moreover, the petitioner and his family members also received bodily and head injury during the occurrence.

6. It is submitted that as the occurrence was free-fight in nature, it can be safely said that the petitioner was not under intention to cause death. Learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of**



Himachal Pradesh Vs. Shamsheer Singh reported in **2025 SCC OnLine SC 807**.

7. Learned A.P.P. for the State duly assisted by Mr. Sheo Kumar Prasad, learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that as per FIR, the informant specifically alleged that this petitioner, by using *Khanti*, assaulted on his head along with other co-accused persons namely, Sujit Kumar Yadav, who assaulted through iron rod, but he could not disputed the final injury report of the informant where NCCT examination reveals that no injury was found in the brain and he also could not disputed the re-statement of the informant, as submitted aforesaid.

8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* occurrence appears free-fight in nature in the background of land dispute where informant, during investigation, failed to name this petitioner as to cause him any assault on his head rather it was specifically against co-accused Sujit Kumar Yadav, 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 S.D.J.M., Nawada/concerned court in connection with Govindpur P.S. Case No. 247 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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