

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27388 of 2026

Arising Out of PS. Case No.-2 Year-2026 Thana- KAJRAILI District- Bhagalpur

1. Bina Devi @ Vina Devi W/o Shivnarayan Paswan, R/o Village - Gaurachowki, P.S - Kajraili, District – Bhagalpur.
2. Suraj Paswan @ Suraj Kumar S/o Shivnarayan Paswan R/o Village - Gaurachowki, P.S - Kajraili, District – Bhagalpur.
3. Bappy Paswan @ Pappy Paswan S/o Shivnarayan Paswan R/o Village - Gaurachowki, P.S - Kajraili, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

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

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 Kajraili P.S. Case No. 02 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 3(5) of Bhartiya Nayay Sanhita.

3. As per FIR, petitioners assaulted informant and others by using *iron rod, lathi* etc., causing head and bodily injuries, where alleged assault was made with intention to cause death of the informant and others. Occurrence alleged



to be arising out of previous enmities.

4. It is submitted by learned counsel appearing on behalf of the petitioners that occurrence is free fight in nature, where both parties received injuries. It is submitted that as occurrence is free fight in nature, it can be safely said that the petitioners were not under intention to cause death of the informant/injured person. It is submitted that the informant failed to explain the correct version of the occurrence without explaining the injury of the petitioner's side while authoring the FIR. It is submitted that the injury of injured, namely, Tatveer Kumar upon medical examination found simple in nature, which further negates intention to cause death.

5. Learned APP opposed the prayer of bail but could not disputed the aforesaid factual submission and injury report.

6. In view of aforesaid factual submissions and by taking note of fact as occurrence is *prima facie* free fight in nature, where both parties received injuries, coupled with the fact that injury as alleged to cause to the informant by



petitioner upon medical examination found simple in nature, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Bhagalpur/concerned Court, where the case is pending in connection with Kajraili P.S. Case No. 02 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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