

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27416 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- TATARPUR District- Bhagalpur

1. Mukesh Mandal S/o- Rajan Mandal @ Rajendra Mandal Mohalla- Naya Tola Rekabganj, P.S.- Tatarpur, District- Bhagalpur
2. Vikash Kumar @ Vikash Mandal S/o- Rajan Mandal @ Rajendra Mandal Mohalla- Naya Tola Rekabganj, P.S.- Tatarpur, District- Bhagalpur
3. Murari Kumar @ Murari Mandal S/o- Rajan Mandal @ Rajendra Mandal Mohalla- Naya Tola Rekabganj, P.S.- Tatarpur, District- Bhagalpur
4. Rajendra Mandal @ Rajan Mandal S/o- Late Chhatri Mandal Mohalla- Naya Tola Rekabganj, P.S.- Tatarpur, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, 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. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application only with regard to petitioner no. 2 namely, Vikash Kumar @ Vikash Mandal as he was arrested by the police during pendency of the present anticipatory bail petition.

3. Considering the aforesaid submission, anticipatory bail petition of petitioner no. 2 namely, Vikash Kumar @ Vikash Mandal stands rejected having become infructuous.



4. Now, the present anticipatory bail petition survives only with regard to petitioner nos. 1, 3 and 4 respectively.

5. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Tatarpur P.S. Case No. 21 of 2026 registered for the offences punishable under Sections 189(2), 189(4), 190, 191(3), 126(2), 115(2), 117(2), 109(1), 303(2), 324(4), 308(2) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

6. As per FIR, petitioners alleged to assault the informant and others by using lathi, iron rod, khanti etc. causing head and bodily injury where alleged assault was made with intention to cause their death. It is alleged that the occurrence took place due to previous enmity between the parties.

7. Learned counsel appearing on behalf of the petitioners submitted that the occurrence was free-fight in nature for which earlier a case was lodged by the petitioners' side as Tatarpur P.S. Case No. 20 of 2026, and to counter the same the present false case was lodged by the informant. It is submitted that both parties received injuries during the occurrence.

8. It is pointed out that the injury as received by the informant's side, upon medical examination, found simple in nature except one injury which is the fracture of middle finger



i.e. non-vital part of the body.

9. It is submitted that the allegation *qua* physical assault is appearing very much general and omnibus against the petitioners and merely on the ground that one grievous injury was found upon, the anticipatory bail of the petitioners was rejected by the learned trial court, which is not the correct position of law, as only nature of injury is not the consideration to constitute an offence under section 109 of the B.N.S. rather several factors are required to be taken into consideration as nature of weapon, manner of assault, body parts where assault was made, pre and post conduct of the accused etc. and in support of his submission, 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**.

10. Explaining criminal antecedent, learned counsel submitted that petitioners were found involved in one more criminal case, where they are on bail.

11. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

12. In view of the aforesaid factual submissions and by taking note of the fact as allegation *qua* physical assault is



appearing very much general and omnibus against the petitioners, where all injuries upon medical examination found simple except one grievous which was found on the non-vital part of the body, as discussed aforesaid, accordingly, all three above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bhagalpur/concerned court in connection with Tatarpur P.S. Case No. 21 of 2026, 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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