

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28048 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- BACHHWARA District- Begusarai

Guddu Rai @ Vishwanath Rai son of Raja Gop @ Rajendra Rai Resident of
village - Rani tol, ward No 12, Ps- Bachhwara, Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2026 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 Bachhwara P.S. Case No. 10 of 2026 registered for the offences punishable under Sections 115(2), 126(2), 303(2), 109, 119(1), 74, 352, 351(2), 351(3) & 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 by using butt of the pistol due to neighbourhood dispute and differences.

4. Learned counsel appearing on behalf of the petitioner submitted that the occurrence was free-fight in nature where both parties received injuries and for same set of occurrence petitioner has also lodged a case, which was registered as



Bachhwara P.S. Case No. 12 of 2026. It is pointed out that allegation of firing is not available against the petitioner. It was submitted that assault was made by the butt of pistol, which negate *prima facie* intention to cause death of the informant. It is submitted that the thrust of allegation to cause head injury, which found grievous in nature, is available against co-accused persons namely, Sanjay Rai @ Chaniya, who is not the petitioner for the present.

5. While concluding argument, learned counsel submitted that petitioner involved in one more criminal case, where he is on bail.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as allegation of firing is not available against the petitioner which *prima facie* negate intention to cause death of the informant, 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 Chief Judicial Magistrate, Begusarai /concerned court in



connection with Bachhwara P.S. Case No. 10 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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