

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31012 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- SAHPUR District- Bhojpur

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Nihal Khan @ Md. Nehal S/o Razak Khan @ Abdul Razaque Resident of
Village - Bagahin, P.S - Shahpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Khalid Faizan, Adv

Mr. Adarsh Singh, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shahpur P.S. Case No. 16 of 2026 registered for the offences punishable under Sections 191(2), 191(3), 115(2), 352, 118(1), 109 of BNS.

3. Petitioner alleged to assault informant and his family members by using iron rod, *lathi* etc., causing head and bodily injuries, where alleged assault was made with an intention to cause their death. Occurrence alleged to be arising out of land and money dispute.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that as per FIR petitioner alleged to assault the younger son of informant namely, Md. Ibrar Khan. It is pointed out that nature of injury which found upon medical examination was tenderness / pain in left hand and elbow, suggesting that no visible injury was caused by this petitioner to Md. Ibrar Khan. It is not alleged that the petitioner assaulted repeatedly to Md. Ibrar Khan, the younger son of the informant during the occurrence. It is submitted that taking a collective note of manner of assault and nature of injury it can be safely said that petitioner was not under intention to cause death of the injured. 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 INSC 503*** . Petitioner claimed clean antecedent.

5 Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact petitioner *prima-facie* not appears alleged to cause repeated assault during the occurrence, coupled with the fact that injury as alleged to caused by this



petitioner found upon non vital part of the body *prima-facie* negating intention to cause death, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 ACJM I, Bhojpur (Ara) /concerned Court, where the case is pending in connection with Shahpur P.S. Case No. 16 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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