

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33794 of 2026

Arising Out of PS. Case No.-30 Year-2026 Thana- THAKRAHA District- West Champaran

Vivek Chouhan @ Vivek Kumar Chauhan S/o Dhurandhar Chauhan R/o
Village- Thakraha, Police Station- Thakraha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prerna Anand, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner apprehending his arrest
in connection with Thakraha P.S. Case No. 30 of 2026
registered for the offences punishable under Sections
126(2), 115(2), 118(1), 109, 303(2), 351(2), 352, 3(5) of
B.N.S.

3. As per FIR, petitioner alleged to assault the
husband of the informant, namely, Mukesh Chauhan during
the occurrence, causing head injury. Occurrence alleged to
be arising out of trivial neighbourhood disputes due to high
volume of P.A. system.



4. It is submitted by learned counsel appearing on behalf of the petitioner that occurrence was free fight in nature, where both parties received injuries. It is submitted that for the same set of occurrence petitioner's side also lodged case, which was registered as Thakraha P.S. Case No. 32 of 2026. It is submitted that through FIR, the injury as received by petitioner's side not appears explained, just to aggravate the allegation against the petitioner. It is pointed out that upon medical examination, the nature of injury of husband of the informant, namely Mukesh Chauhan found simple in nature. Alleged assault also not said repeated. It is pointed out that both these aspects collectively sufficient to constitute that the petitioner was not under intention to cause death of the husband of the informant, namely, Mukesh Chauhan. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the occurrence was free fight in nature, where the allegation *qua* causing head assault appears not repeated, where nature of injury also found



simple, *prima facie* negating intention to cause death, accordingly, above named petitioner, who is a man of clean antecedent, in the event of his 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 Judicial Magistrate 1st Class, Bagaha, West Champaran/concerned Court, where the case is pending in connection with Thakraha P.S. Case No. 30 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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