

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36661 of 2026

Arising Out of PS. Case No.-157 Year-2025 Thana- Haraiya District- East Champaran

1. Vijay Sah @ Vijay Kumar Sah S/O Rajbanshi Sah R/O Village- Nepali station, Tumariya Tola, Ward no 5, PS Haraiya, Dist- East Champaran
2. Rani Sah @ Baby Devi W/O VIjay Sah R/O Village- Nepali station, Tumariya Tola, Ward no 5, PS Haraiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shamir Mehra, Adv.

For the Opposite Party/s : Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Haraiya P.S. Case No. 157 of 2025 registered for the offences punishable under Sections 115, 118(1), 109, 126(2), 3(5) of BNS.

3. The allegation against petitioners is to assault informant and others by using sword, lathi etc. causing head and bodily injuries having intention to cause their death, where occurrence arising out of previous enmities.

4. It is submitted by learned counsel appearing



on behalf of the petitioners that occurrence was free fight in nature, where petitioners' side received much serious and grievous injuries, therefore, the petitioners' side lodged FIR qua present occurrence after lodging the present FIR on 23.12.2025, which was registered as Haraiya P.S. Case No. 164 of 2025.

5. Arguing further, it is submitted that the occurrence was free fight in nature, where both parties received injuries, therefore, it can be safely said that the petitioners were not under intention to cause death of the injured persons. It is pointed out that the allegation of physical assault is not available against these petitioners rather allegation to cause grievous injury is specifically available against co-accused namely, Vivek Sah and Chhedi Sah. Both petitioners claimed clean antecedents, where petitioner no. 2 implicated only being the wife of petitioner no. 1.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and



by taking note of fact as allegation *qua* physical assault is not available against petitioner no. 1, where implication of petitioner no. 2 *prima-facie* only being wife of petitioner no. 1, coupled with the fact as occurrence is free fight in nature, where both parties received injuries, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul, East Champaran /concerned Court, where the case is pending in connection with Haraiya P.S. Case No. 157 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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