

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33710 of 2026

Arising Out of PS. Case No.-95 Year-2026 Thana- MADANPUR District- Aurangabad

1. Mantu Yadav @ Mantu Kumar S/o Kamlesh Yadav R/o Village- Pataudhi Tola Tendua, Post - Dev, P.s.- Madanpur, District - Aurangabad (Bihar)
2. Arvind Yadav S/o Kamlesh Yadav R/o Village- Pataudhi Tola Tendua, Post - Dev, P.s.- Madanpur, District - Aurangabad (Bihar)
3. Pintu Yadav @ Pintu Kumar S/o Kamlesh Yadav R/o Village- Pataudhi Tola Tendua, Post - Dev, P.s.- Madanpur, District - Aurangabad (Bihar)
4. Kamlesh Yadav S/o Badai Yadav @ Bhadai Yadav R/o Village- Pataudhi Tola Tendua, Post - Dev, P.s.- Madanpur, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-05-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Madanpur P.S. Case No. 95 of 2026 registered for the offences punishable under Sections 329(4), 126(2), 115(2), 117(2), 109, 303(2), 352 and 3(5) of the BNS.

3. The allegation against petitioners is to assault informant and other family members during the course of occurrence causing head and other bodily injuries, where injuries were caused with an intention to cause their death. Occurrence alleged to be arise out of pending monetary disputes.



4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioner no. 1 namely Mantu Yadav specifically alleged to assault Babita Devi. It is pointed out that single injury was found upon her head, which upon medical examination found simple in nature, therefore, it can be gathered safely that he was not under intention to cause death of injured Babita Devi. It is further argued that as far allegation against petitioner no. 4 Kamlesh Yadav is concerned he alleged to specifically assault Sugpanti Devi during the occurrence, the injury as alleged to be caused by this petitioner upon injured Sugpanti Devi was also single and simple in nature, which also negates intention to cause death. It is pointed out that as far injury alleged to be caused upon Binda Devi is concerned, it is alleged that she was assaulted by Pintu Yadav, Arvind Yadav and Mantu Yadav collectively, but in the background of this allegation only single injury was found on her leg, which upon medical examination found grievous in nature. It is submitted that in-fact Binda Devi during the course of scuffling fell down to the ground due to which her leg got fractured and taking advantage of said accidental injury, petitioners were implicated with present allegation.

5. It is further argued that occurrence was free fight in



nature, where petitioner's side also received injuries, but same was not explained by informant while authoring the FIR. It is pointed out that for the same set of occurrence petitioner's side also lodged a case, which was registered as Madanpur P.S. Case No. 97 of 2026. It is submitted that as occurrence was free fight in nature, therefore, it can be safely said the petitioners were not under intention to cause death 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, [2025 SCC OnLine 807]**. While concluding the arguments, it is submitted that above named petitioners are of clean antecedents.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual and legal submission and by taking note of fact as occurrence was free fight in nature, where injuries alleged to be caused by petitioners appears simple in nature and on the non-vital part of the body, as discussed aforesaid, which also appears non-repeated, prima-facie negating intention to cause death, accordingly all above-named petitioners, who are of clean antecedent, 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 Principal District and Sessions Judge, Aurangabad/concerned Court, where the case is pending in connection with Madanpur P.S. Case No. 95 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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