

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33585 of 2026

Arising Out of PS. Case No.-54 Year-2026 Thana- ATHMALGOLA District- Patna

1. Sahil Kumar @ Rahul Kumar, S/o Lalit Kumar
 2. Rohit Kumar, S/o Lalit Kumar
- Both are R/o Village - Rupas Tola Dindayal Singh, P.S. - Athmalgola,
District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the Informant	:	Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Athmalgola

P.S. Case No.54 of 2026 registered under Sections 126(2),

109(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023

(in short 'BNS').

3. As per FIR, the petitioners alleged to assault

the informant and others during the course of occurrence

causing head and bodily injuries having intention to cause

their death, where occurrence alleged to be arising out of



land disputes.

4. It is submitted by learned counsel appearing for the petitioners that the occurrence was in fact free fight in nature, where both the parties received injuries but no injury as alleged to be received by the petitioner's side appears explained through FIR. It is further submitted that for the same set of occurrence, the petitioner's side also lodged a complaint case which was registered as Complaint Case No.8314 of 2026 before the learned court of C.J.M., Barh, Patna. Arguing further, it is submitted that there is bonafide land disputes between the parties for which the proceeding under Section 126 of the BNSS is also pending and moreover, injuries as alleged to be caused by these petitioners during the occurrence, upon medical examinations found simple in nature. Both petitioners claimed clean antecedent.

5. Learned APP duly assisted by the learned counsel for the informant, Mr. Ashok Kumar Kashyap, while opposing the prayer of bail submitted that the assault was made by petitioners on the vital part of body of the injured,



however, he conceded fairly that nature of injury upon medical examinations found simple in nature as submitted aforesaid.

6. In view of aforesaid factual submissions and by taking note of fact, *prima facie* as the occurrence is free fight in nature, where the nature of injury upon medical examination found simple in nature, accordingly, both above-named petitioners, who are of clean antecedent, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on 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 S.D.J.M., Barh, Patna in connection with Athmalgola P.S. Case No.54 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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