

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33808 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- RAMGARHWA District- East Champaran

1. Bhikham Yadav @ Bhikham Prasad Yadav S/o Late Vishwanath Yadav Resident of Village - Pachbhidiya, P.S.- Ramgarhwa, District - East Champaran at Motihari.
2. Brijesh Yadav @ Brijesh Kumar S/o Bhikham Yadav @ Bhikham Prasad Yadav Residents of Village - Pachbhidiya, P.S.- Ramgarhwa, District - East Champaran at Motihari.
3. Chandrabhushan Yadav @ Chandrabhushan Kumar S/o Late Umesh Yadav Residents of Village - Pachbhidiya, P.S.- Ramgarhwa, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-05-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Ramgarhwa P.S. Case No. 45 of 2026 registered for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 118(1), 109, 352 and 351(2) of the BNS.

3. As per FIR, petitioners alleged to assault informant and other family members by using sword, iron rod etc., causing head and other bodily injuries, where alleged assault was made with an intention to cause death, where occurrence alleged to be arising out of dispute in relation with cutting of trees.



4. It is submitted by learned counsel appearing on behalf of the petitioners that allegation *qua* physical assault is appearing very much general and omnibus against petitioners, where both parties received injuries and for the same set of occurrence petitioner's side also lodged a case, which has been registered as Ramgarhwa P.S. Case No. 52 of 2026. It is submitted that specific allegation is available against petitioner no. 2 to assault on the head of the informant, which upon medical examination found simple in nature. It is also pointed out that nature of injuries found upon different parts of the body which upon medical examination found simple in nature and non-repeated. It is further submitted that by taking nature of assault and manner of injuries it can be gathered safely that petitioners were not under intention to cause death of 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, [2025 SCC OnLine 807]**. While concluding arguments, it is submitted that petitioner no. 2 is a man of clean antecedent and petitioner no(s). 1 and 3 found involved in one more criminal case where they are on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission



and by taking note of fact as both parties received injuries, coupled with the fact as injuries alleged to be caused by petitioner upon medical examination found simple in nature, accordingly all 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, Raxual, East Champara at Motihari/concerned Court, where the case is pending in connection with Ramgarhwa P.S. Case No. 45 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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