

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36792 of 2026

Arising Out of PS. Case No.-66 Year-2026 Thana- SAKURABAD District- Jehanabad

Motablal Yadav @ Rajeshwar Prasad S/o Late Lakhan Mahto @ Late Lakhan
Yadav Resident of Village - Salarpur, P.S. - Shakurabad, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Adv
	:	Mr. Shubhankar Raj, Adv
	:	Mr. Amaritya Raj, Adv
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shakurabad P.S. Case No. 66 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(1), 109(1), 352, 351(2), 351(3), 325 and 3(5) of the BNS.

3. As per FIR, petitioner alleged to assault informant and others along with other co-accused persons causing head and bodily injuries, where assault was made with intention to cause their death.

4. It is submitted by learned counsel appearing on behalf of the petitioner that present occurrence appears free fight in nature, where both parties received injuries, therefore, it



cannot be said that petitioner was under intention to cause death of the injured. It is also submitted that for the same set of occurrence petitioner's side also lodged a case, which has been registered as Shakurabad P.S. Case No. 65 of 2026. It is submitted that petitioner alleged to assault on the head of the informant and on the hand of the son of informant, where nature of injury was found simple upon medical examination. It is pointed out that as one injury was found on the vital part of the body the prayer of anticipatory bail of petitioner was rejected by learned trial court, which is not a correct view as there are several factors required to make out a prima-facie case under Section 109(1) of the BNSS like, nature of weapons, nature of injury, manner of assault, pre and post conduct of accused during the occurrence etc. 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 argument, it is submitted that petitioner found involved in one more case where he is 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 prima-facie occurrence is free fight



in nature, where both parties received injuries, coupled with the fact as injuries caused by this petitioner was found simple in nature, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 JM 1st Class, Jehanabad/concerned Court, where the case is pending in connection with Shakurabad P.S. Case No. 66 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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