

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35410 of 2026

Arising Out of PS. Case No.-578 Year-2025 Thana- MIRGANJ District- Gopalganj

1. Aman Kumar Sah Son of Manoj Kumar Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
2. Motilal Sah Son of Late Jhuli Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
3. Amit Kumar Sah Son of Sarda Nand Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
4. Harinath Sah Son of Late Shivpujan Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
5. Dharmendra Sah Son of Harinath Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
6. Kamlesh Kumar Sah Son of Rudal Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
7. Munna Kumar Sah Son of Motilal Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
8. Rakesh Kumar Sah Son of Sitaram Gupta R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
9. Sumit Kumar Sah @ Chandramohan Kumar Son of Santosh Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj
10. Raja Kumar Sah Son of Madan Sah R/o- Sabeya, P.S.- Mirganj, District - Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Deepankar Raj, Advocate
For the Opposite Party/s :	Mr.Navin Kumar Pandey, APP
For the Informant :	Mr.Satyendra Rai, Advocate
	Mr.Prasoon Shekhar, Advocate
	Mr.Hari Om, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are
apprehending their arrest in connection with Mirganj P.S. Case



No. 578 of 2025 registered for the offences punishable under Sections 191(2), 126(2), 115(2), 110, 303(2), 352, 351(2) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioners is to assault the informant and others during course of occurrence alongwith ten named co-accused persons and 15 unknown causing head and bodily injury, where occurrence alleged to be arising due to previous enmity.

4. Learned counsel appearing on behalf of the petitioners submitted that occurrence was free-fight in nature where both sides received injury and for same set of occurrence petitioners had also lodged a case which has been registered as Mirganj P.S. Case No. 573/2025. It is submitted that in retaliation of the case lodged by the petitioners' side, the present case was lodged. It is also submitted that allegation *qua* causing physical injury is appearing very much general and omnibus in nature against the petitioners, though it is specifically alleged the petitioner nos. 5 and 8 namely, Dharmendra Sah and Rakesh Kumar Sah tied Gamchha around the neck of the informant, whereas petitioner no. 7 namely, Munna Kumar Sah assaulted the informant by using hockey stick. It is submitted that upon medical examination, all the injuries upon the informant found simple



except the fracture of metacarpal. It is submitted that petitioners' side have also received more serious injuries during the occurrence, therefore, Mirganj P.S. Case No. 573/2025 was lodged for the offences punishable under section 109 of the B.N.S. While explaining criminal antecedent of the petitioners, it is submitted that petitioners found involved in one more criminal case, where they are on bail.

5. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioners, submitted that petitioner nos. 5, 7 & 8 specifically alleged to assault the informant during the course of occurrence, however, he could not disputed that the occurrence was free-fight in nature and both parties received injury.

6. In view of aforesaid factual submission and by taking note of the fact as the occurrence was free-fight in nature, where both parties received injury, coupled with the fact that the grievous injury was found on non-vital part of the body of the informant, accordingly, above-named ten petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court in connection with Mirganj P.S. Case No. 578 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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