

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36589 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- ADAPUR District- East Champaran

Raushan Kumar, S/o Birendra Prasad @ Birendra Sah @ Manohar Sah,
Resident of Village- Kachorwa, P.S.- Adapur, Distt.- Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Adapur P.S. Case No.52 of 2026 registered under Sections 115(2), 126(2), 118(1), 109, 303(2), 76, 351(2) and 352 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against petitioner is to assault the informant and others along with co-accused persons causing head and bodily injuries, which alleged to be made with intention to cause their death, where alleged occurrence is arising out of land dispute.

4. It is submitted by learned counsel that in fact



the occurrence was free fight in nature, where both parties received injuries, which took place in the background of land dispute and, therefore, it can be safely said that the petitioner was not under intention to cause death. It is submitted that for the same set of occurrence, the petitioner's side also lodged a case, being Adapur P.S. Case No.51 of 2026 against the informant and others. It is submitted that as simply the injury upon medical examination found in nature of sharp cut *prima facie* corroborating with weapon like knife as alleged, the prayer of anticipatory bail of petitioner was rejected by the learned trial court. It is submitted that to gather "intention to cause death" several factors are required to be taken into consideration like, nature of weapons, manner of assault, nature of injury and conduct of the accused persons during the occurrence, etc. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh vs. Shamsher Singh [2025 SCC OnLine SC 807]**. Arguing further, it is submitted that the injuries upon medical



examination found simple in nature, which further negates the intention to cause death.

5. Learned APP has opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the occurrence *prima facie* appears free fight in nature, where injuries as alleged to be caused upon informant found simple in nature negating *prima facie* intention to cause death, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Motihari in connection with Adapur P.S. Case No.52 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

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