

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36293 of 2026

Arising Out of PS. Case No.-39 Year-2026 Thana- Chainpur District- Siwan

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Tarkeshwar Bharati @ Tarkeshwar Bharti S/o Sudama Bharti Resident of
Ramagarh Chiraya Mathiya, Chainpur, Mobarakpur, PS- Chainpur, Distt.-
Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Abhishek, Adv.

Mr. Alok Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard Mr. Kumar Abhishek, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the State

through virtual mode.

2. The petitioner apprehends his arrest in connection
with Chainpur P.S. Case No. 39 of the 2026 , registered for the
offences punishable under Sections 126(2), 115(2), 118(1), 109,
352, 351(2), and 3(5) of the BNS.

3. On the given date and time of occurrence while the
informant was sitting along with her husband, in the meanwhile,
on account of previous dispute, all the F.I.R named accused
persons, including the petitioner, and 4 to 5 unknown persons
variously armed with *lathi*, *danda*, iron rod and *farsa* came
there and started abusing and assaulting. It is specifically



alleged that during the occurrence co-accused Nagendra Bharti has assaulted over the head of the informant's husband by means of *farsa*, due to which he sustained serious injury; thereupon all the accused persons have brutally assaulted him by means of lathi and danda. There is further allegation of snatching of valuable.

4. Learned Advocate for the petitioner submitted that on the alleged date of occurrence, the parties have entered into a free fight on account of previous dispute which resulted into injuries to the persons of both the sides. There is counter version of the present case being Chainpur P.S. Case No. 40 of 2026 instituted against the informant and others. Even if the allegation is taken to be true for the sake of argument, the specific accusation has been levelled against co-accused Nagendra Bharti, who is not before this Court. It is further contended that due to the fact that the parties have been bickering over the small portion of land, the name of the petitioner and other family members are being implicated at the hands of the informant and his family members. Besides the present case, two other cases have also been instituted by the informant's side, out of which in one case the petitioner is on bail.



5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of the active participation of the petitioner, the informant's husband has sustained serious injuries of fracture of rib and left humerus and thus the injury appears to be grievous. The petitioner is also facing two criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the genesis of occurrence as well as the factum of case and counter case, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Siwan/Concerned Court, in connection with Chainpur P.S. Case No. 39 of the 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further conditions:

(i). that one of the bailors shall be the own/close family members of the petitioner.

(ii). that if the petitioner would be found indulge in



threatening the informant and his family members and also found indulge in such activity in future, the State/Informant shall be at liberty to file an application for cancellation of bail of the petitioner.

(Harish Kumar, J)

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