

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36835 of 2026**

Arising Out of PS. Case No.-67 Year-2026 Thana- PANAPUR District- Saran

Mahendra Kumar @ Mahendra Kumar Kushwaha, son of Ram Chandra Singh Kushwaha, Resident of Village - Harakh Pakri, P.S.- Panapur, Dist-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      17-06-2026                      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 Panapur P.S. Case No.67 of 2026 registered under Sections 126(2), 115(2), 117(2), 109, 324(4), 303(2), 352, 351(2) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per FIR, the petitioner along with other co-accused persons alleged to assault the informant and others during the course of occurrence by using iron rod, *dab* (sharp-edged weapon) causing head and bodily injuries to informant and others, which alleged to be made with



intention to cause their death. The occurrence alleged to be arising out of land disputes.

4. It is submitted by learned counsel that the occurrence was free fight in nature, where both parties received injuries and, therefore, it can be said safely that the petitioner was not under intention to cause death of the injured. It is submitted that for the same set of occurrence, the petitioner's side also lodged a case being Panapur P.S. Case No.68 of 2026. It is further argued that the petitioner specifically alleged to assault the younger son of the informant namely, Binod Kushwaha during the occurrence by using *dab*. It is pointed out that there is no allegation of repeated assault and moreover the injury as alleged to be caused by petitioner upon medical examination found simple in nature and these both things are sufficient to constitute *prima facie* that the petitioner was not under intention to cause death of younger son of the informant as alleged. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.



5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* occurrence appears free fight in nature, coupled with the fact that the assault as alleged to be made by this petitioner *prima facie* not alleged repeated, where nature of injury upon medical examination found simple, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Panapur P.S. Case No.67 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.)**

Sanjeet/-

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