

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40937 of 2026

Arising Out of PS. Case No.-58 Year-2025 Thana- HARSIDHI District- East Champaran

1. Kishan ram @ Kishan kumar Son of Motilal ram Resident of Village - Dhawahi Nankar, ward No. 14, P.S.- Harsidhi, District- East Champaran.
2. Ashish Kumar @ Aashish Kumar Ranjan Son of Motilal Ram Resident of Village - Dhawahi Nankar, ward No. 14, P.S.- Harsidhi, District- East Champaran. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-06-2026

Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Harsidhi P.S. Case No. 58/2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 351, 352, 76, 303(2) and 3(5) of the BNS.

3. The allegation against petitioners is to assault informant and her son during the course of occurrence causing head and bodily injuries having intention to cause their death, assault as alleged was made by using iron rod, where dispute arising out of drainage issues.

4. It is submitted by learned counsel appearing on behalf of the petitioners that present occurrence appears free fight in nature, where both parties received injuries, therefore, it cannot be said that petitioners were under intention to cause death of the injured informant and other injured persons. It is also submitted that for the same set of occurrence petitioner's side also lodged a case, which has been registered as Harsidhi P.S. Case No. 61/2025. It is also submitted that injury as alleged to be caused upon son of informant namely Laddu Kumar, upon medical examination found simple in



nature, where three injuries out of four injuries as alleged to be caused upon informant upon medical examination found simple and one injury which was found grievous, was on the finger, which is non-vital part of the body, therefore, it can be safely said that petitioners were not under intention to cause death. Petitioners claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as prima-facie occurrence is free fight in nature, coupled with the fact as nature of injuries as alleged to be caused by these petitioners found simple in nature except one grievous injury which found upon the non-vital part i.e., middle finger prima-facie creating doubt *qua* intention to cause death, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran, Motihari/concerned Court, where the case is pending in connection with Harsidhi P.S. Case No. 58/2025 , subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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