

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41716 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- BAGHA District- West Champaran

Jalandhar Kushwaha @ Radheshyam Kumar, Son of Banarasi Kush Waha @
Banarsi Kushwaha, R/o - Dindayal Nagar, Ward No.27, Bagaha, P.S - Bagaha,
District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2026 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 Bagaha P.S. Case No.45 of 2026 registered under Sections 103, 191(2), 190, 126(2), 115(2), 109, 74, 303(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. As per FIR, petitioner along with other co-accused persons assaulted informant and others during the occurrence by using spade and iron rod causing head and bodily injuries, having intention to cause their death, where during the course of treatment, the husband of informant succumbed to injuries received during the occurrence.



4. It is submitted by learned counsel appearing for the petitioner that the occurrence was free fight in nature, in the background of parking issues, where both parties received injuries and for the same set of occurrence petitioner's side also lodged case which has been registered as Bagaha P.S. Case No.46 of 2026. It is further submitted that the allegation of fatal assault is specifically available against co-accused, namely, Sanjay Kushwaha, whereas the allegation for causing assault is appearing very much general and omnibus in nature against petitioner and moreover, it appears that he alleged to assault informant during the occurrence along with other co-accused persons, but upon medical examination, the nature of injury of the informant found simple in nature. Petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that this petitioner also actively involved during the occurrence causing injury to the informant, however, fairly conceded that the allegation of fatal assault is specifically available against co-accused, namely, Sanjay Kushwaha,



who is not the petitioner for the present.

6. In view of aforesaid factual submissions and by taking note of fact as the allegation of fatal assault is not available against this petitioner, rather same is available against co-accused, namely, Sanjay Kushwaha, who is not the petitioner for the present, coupled with the fact that the occurrence is free fight in nature, accordingly, the petitioner above-named, who is a man of clean antecedent, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Bagaha P.S. Case No.45 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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