

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40040 of 2026

Arising Out of PS. Case No.-19 Year-2026 Thana- SIDHWALIYA District- Gopalganj

Dewandar Prasad @ Devendra Kumar Patel S/O Shri Shyamdev Prasad R/O
Vill.- Gangawa, P.S.- Sidhwaliya, Distt.- Gopalganj

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gyan Prakash, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Sidhwaliya P.S. Case No. 19 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 324(4), 351(3), 352 and 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, petitioner alongwith other co-accused persons alleged to assault the informant and others by using lathi, rod etc. causing head and bodily injury, having intention to cause their death.

4. Learned counsel appearing on behalf of the petitioner submitted that the occurrence took place in the background of land dispute. It is pointed out that the occurrence was free-fight



in nature, where both parties received injuries and, therefore, it can be safely said that petitioner was not under intention to cause death. It is submitted that for same set of occurrence, petitioner has also lodged a case against the informant and others, which is registered as Sidhwaliya P.S. Case No. 20/2026.

5. Arguing further, it is submitted by learned counsel that FIR clearly suggest that the allegation as to cause physical assault is not available against the petitioner, rather he was only instigated the other co-accused persons during course of occurrence as to assault the informant and others. Petitioner claimed clean antecedent.

6. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* occurrence appears free-fight in nature where both parties received injury, coupled with the fact that allegation of physical assault appears not available against this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like



amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-V, Gopalganj/concerned court in connection
with Sidhwaliya P.S. Case No. 19 of 2026, subject to the
conditions as laid down under Section 438(2) of the
Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita
(in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

