

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42758 of 2026

Arising Out of PS. Case No.-432 Year-2025 Thana- ADAPUR District- East Champaran

1. Rambalak Sahani, S/o Vishwanath Sahani
2. Narsingh Sahani, S/o Late Manejar Sahani
3. Anutha Sahani, S/o Late Jamuna Sahani
4. Jokhu Sahani, S/o Dhilu Sahani @ Jagarnath Sahani
5. Munna Sahani @ Munna Kumar, S/o Rambalak Sahani
6. Ramashankar Sahani, S/o Narsingh Sahani
7. Binda Sahani, S/o Late Vishwanath Sahani
8. Mukesh Sah, S/o Shivnath Sahani

All are resident of Village-Laxmipur, P.S.-Adapur, Dist- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. All accused/petitioners are named in the FIR and apprehending their arrest in connection with Adapur P.S. Case No.432 of 2025 registered under Sections 115(2), 118(1), 126(2), 109, 351(2), 352 and 76 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per FIR, co-accused persons along with petitioners alleged to assault the informant and others by using *lathi*, rod, etc. and also alleged to equipped with



country-made pistol, where during the occurrence, the informant and others received injuries on their head and body. Assault during the occurrence was alleged to be made with intention to cause death of injured persons, where occurrence alleged to be arising out of land dispute.

4. It is submitted by learned counsel appearing for the petitioners that the occurrence was free fight in nature in the background of land dispute for which, the petitioners' side also lodged a case against informant and others, which has been registered as Adapur P.S. Case No.431 of 2025. It is submitted that the allegation of firing not appears available against petitioners despite of allegation that they were equipped with country-made pistol, which in itself negates the intention of petitioners as to cause death of the injured. It is submitted that moreover the nature of injuries of injured persons, upon medical examination, found simple in nature, which further negates the intention to cause death. All petitioners are of clean antecedent except petitioner no.8, who found involved in two more criminal cases of Excise Act, 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 occurrence *prima facie* appears free fight in nature, where allegation of firing is not available despite of having country-made pistol in hand, coupled with the fact that the injuries upon medical examination found simple in nature, which further negates the intention to cause death, accordingly, all above-named eight petitioners, in the event of their arrest or surrender in the court below within a period of four weeks from today, are directed to be released on bail on 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 J.M.-1st Class, Raxaul at Motihari, East Champaran in connection with Adapur P.S. Case No.432 of 2025, 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.)

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