

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41994 of 2026

Arising Out of PS. Case No.-89 Year-2025 Thana- KATORIYA District- Banka

1. Mahesh Yadav @ Mahesh Kumar Yadav S/o Naresh Yadav R/o Village - Badasan, P.S - Katoriya, District - Banka
2. Subhash Kumar Yadav S/o Prakash Yadav R/o Village - Badasan, P.S - Katoriya, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026

Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Katoria P.S. Case No. 89/2025 registered for the offences punishable under Sections 126(2), 115(2), 329(3), 76, 109(1), 303(2), 118(2), 352, 351(2) and 3(5) of the BNS.

3. The allegation against petitioners is to assault informant and others during the course of occurrence causing head and bodily injuries having intention to cause their death, where occurrence arises out of land dispute.

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 Katoria P.S. Case No. 86/2025. It is submitted that case of petitioner was lodged prior to the case of informant and just to counter aforesaid case present false case was lodged. It is submitted that there are several factors required to make out a prima-facie case under Section 109 of the BNSS like, nature of weapons, manner of assault, nature of injury and pre-post conduct of accused during the occurrence etc. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsher Singh, [2025 SCC OnLine 807]**. Petitioner no. 1 found involved in one more case, where he is on bail and petitioner no. 2 claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that injury as alleged to be caused by petitioner no. 1 while assaulting injured Lal Mohan Yadav appears repeated and found grievous, as it appears from the impugned order that injury no. 1 and 2 found grievous, whereas injury no. 3 found simple in nature, as alleged to be caused by petitioner no. 2 upon Vijay Yadav, which found simple in nature.

6. In view of aforesaid factual and legal submission and by taking note of fact as allegation *qua* causing grievous injury is available against petitioner no. 1 namely Mahesh Yadav @ Mahesh Kumar Yadav, accordingly prayer of anticipatory bail of petitioner



no. 1 stands rejected.

7. Considering the nature of injury as alleged to be caused by petitioner no. 2, which was found simple in nature, accordingly petitioner no. 2 namely Subhash Kumar Yadav, in the event of his arrest or surrender before the court below within a period of four weeks, is 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, Banka/concerned Court, where the case is pending in connection with Katoria P.S. Case No. 89/2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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