

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42804 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- SARE District- Nalanda

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Jivan Yadav @ Jivan Kumar @ Jivan S/o Arun Yadav R/o Village - Amba
Bigha, PS - Sare, District - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 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 Sare P.S. Case No. 46 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 303(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to assault the informant and others during course of occurrence by means of Garasa, Lathi, etc. causing head and bodily injury, where assault was made with intention to cause death of the informant. It is alleged that the occurrence was arising out of land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that the occurrence was of free-fight in nature where both parties received injuries and for same set of occurrence,



petitioner's side also lodged a case which has been registered as Sare P.S. Case No. 47 of 2026 on same very day i.e. on 13.03.2026. It is submitted that FIR nowhere appears explaining the injury as received by petitioner's side. It is submitted that upon medical examination, nature of injury as alleged to be inflicted by accused/petitioner found simple in nature, which further negate the intention to cause death. Petitioner claimed clean antecedent.

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

6. In view of the aforesaid factual submissions and by taking note of the fact as occurrence was free-fight in nature, where both parties received injuries, coupled with the fact that injury alleged to be inflicted by petitioner, upon medical examination, found simple in nature *prima facie* negating intention to cause death, accordingly, above-named petitioner, who is a man of clean antecedent, 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 A.C.J.M.-VI, Biharsharif, Nalanda/concerned court in connection with Sare



P.S. Case No. 46 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/-

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