

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42171 of 2026**

Arising Out of PS. Case No.-62 Year-2026 Thana- MAKHDUMPUR District- Jehanabad

Brajesh Bhagat @ Mouju Mali @ Mauju Mali, S/o Late Kehsav Mali @ Late Keshav Bhagat, Resident of village-Najru Bigha, P.S.-Tehta, District-Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      06-07-2026                      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 Makhdumpur (Tehta) P.S. Case No.62 of 2026 registered under Sections 191(1), 191(2), 191(3), 190, 351(3), 115(2), 117(2), 125, 109(1), 298 and 299 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Section 27 of the Arms Act.

3. As per FIR, the petitioner along with nine named and 40-50 unknown persons alleged to assault the informant and others during the occurrence, causing head and bodily injuries, having intention to cause their death, where occurrence alleged to be arising out of "Ram



**Nawmi”** procession.

4. It is submitted by learned counsel appearing for petitioner that the allegation of physical assault is appearing very much general and omnibus against petitioner. It is further submitted that the occurrence was free fight in nature, where both parties received injuries and for same set of occurrence, the petitioner's side also lodged a case, which has been registered as Makhdumpur P.S. Case No. 63 of 2026. It is also submitted that the allegation of firing is available against other co-accused namely, Ravikant and not against this petitioner. It is pointed out that as the house of the petitioner was near to the place of occurrence, he was implicated with present case only on the basis of suspicion, without having any cogent material. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case of petty nature, where after facing trial, he was acquitted and, thus, it can be safely said that the petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by



taking note of fact, as the allegation *qua* physical assault is appearing very much general and omnibus in nature against petitioner, coupled with the fact that the occurrence was free fight in nature, where petitioner appears a man of clean antecedent, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail 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-I, Jehanabad in connection with Makhdumpur (Tehta) P.S. Case No.62 of 2026, 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.)**

Sanjeet/-

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