

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42875 of 2026

Arising Out of PS. Case No.-361 Year-2025 Thana- GHANSHYAMPUR District- Darbhanga

1. Priya Kumari D/O Raj Kumar Sahu Resident of Village- Mansara, P.S- Ghanshyampur, District- Darbhanga, Bihar.
2. Ladai Devi @ Leela Devi W/O Raj Kumar Sahu Resident of Village- Mansara, P.S-Ghanshyampur, District- Darbhanga, Bihar.
3. Ashok Sahu S/O Tetar Sahu Resident of Village- Mansara, P.S- Ghanshyampur, District- Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Ghanshyampur P.S. Case No. 361/2025 registered for the offences punishable under Sections 115(2), 126(2), 109, 303(2), 351(2), 352 and 3(5) of the BNS.

3. As per FIR, petitioners alleged to assault informant by means of *lathi*, rod, spade etc., causing head and bodily injuries, where assault was made with an intention to cause death. It is alleged that occurrence took place in the background of grass cutting issue.

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 Ghanshyampur P.S. Case No. 366/2025. It is submitted that as per FIR allegation to assault by means of spade is specifically available against Raj Kumar Sahu, who is not the petitioner in the present case. It is further submitted the petitioner no. 2 implicated with the present case being wife of Raj Kumar Sahu, who alleged to supply spade during the course of occurrence. It is submitted that nature of injury as inflicted by injured informant found simple in nature, which further negates intention to cause death. It is also pointed out that allegation of physical assault is not available against petitioner no(s). 1 and 3. Petitioners claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as prima-facie occurrence was free fight in nature, where both parties received injuries and allegation of assault is not specific against these petitioners and moreover nature of injury upon medical examination found simple and



non-repeated, accordingly all above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are 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 JMFC, Biraul, Darbhanga/concerned Court, where the case is pending in connection with Ghanshyampur P.S. Case No. 361/2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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