

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46863 of 2026

Arising Out of PS. Case No.-78 Year-2026 Thana- MANJHI District- Saran

1. Upendra Sah @ Upendra Sah Gond S/o Late Shiv Kumar Sah Resident of Village- Tajpur Manjhi, P.S.- Manjhi, District- Saran.
2. Manish Kumar @ Manish Kumar Sah Gond @ Manish Sah S/o Dhupendra Kumar Sah Resident of Village- Tajpur Manjhi, P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-07-2026 Heard Mr. Hemant Kumar, learned counsel appearing on behalf of the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Manjhi P.S. Case No. 78 of 2026, registered for the offence punishable under Sections 115(2), 126(2), 118(1), 351(2), 352 and 3(5) of the BNS.

3. As per the allegation made in the FIR, petitioners along with other accused persons, with a common intention to kill, had allegedly assaulted the informant and his son causing head injuries.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties arising out of the same incidence. Both the parties, who are *Patidar*, were involved in dispute with respect to a piece of land, due to which, they indulged into free fight and as a result of heat of passion and spur of the moment, the petitioners may have caused some injury to the informant and his son, in their self defence without intention to kill. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the FIR, it is admitted that the petitioners are *Patidar* of the informant and due to land dispute, the petitioners had some hot talks with the informant, which led to fierce fight. There is case and counter case between the parties. It may be a case that in spur of moment, the petitioners may have caused some injury on the persons of the informant and his son without intention. However, considering the provision of Section 118 BNS, the injury itself was found to be grievous in nature.



7. Learned District Court is directed to call for the final injury report of the informant and his son and if the injury attributable to the petitioners is not found fatal to the life of the informant and his son, then in that case, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, 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 District Court where the case is pending, in connection with Manjhi P.S. Case No. 78 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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