

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46433 of 2026

Arising Out of PS. Case No.-71 Year-2026 Thana- PALANWA District- East Champaran

1. Manosh Gaddi @ Monos Gaddi Son of Motab Gaddi Resident of Village- Siswaniya, P.S.- Palanwa, District- East Champaran.
2. Arjun Gaddi @ Samsher Alam @ Samser Alam Son of Moshafir Gaddi Resident of Village- Siswaniya, P.S.- Palanwa, District- East Champaran.
3. Sabir Gaddi Son of Aamid Gaddi Resident of Village- Siswaniya, P.S.- Palanwa, District- East Champaran.
4. Karim Gaddi Son of Nanhak Gaddi @ Nanhak Raut Resident of Village- Siswaniya, P.S.- Palanwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Palanwa

P.S. Case No.71 of 2026 registered under Sections 126(2),

115(2), 118, 74, 109(1), 352, 351(2) and 3(5) of the

Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. As per the FIR, the accused persons including

petitioners alleged to assault informant and others during the



occurrence causing head and bodily injury, having intention to cause their death ,where occurrence alleged to be arising out of previous enmities.

4. It is submitted by learned counsel appearing on behalf of petitioners that occurrence was free fight in nature, where both parties received injuries, for which petitioners' side lodged an earlier case, which was registered as Palanwa P.S. Case No. 70 of 2026, in retaliation of which, the present case was lodged against these petitioners. It is submitted that during the occurrence the petitioners' side also received grievous injuries. It is pointed out that the allegation regarding physical assault against petitioner no. 1 and 4 are very much general and omnibus in nature, whereas petitioner no. 2 and 3 were specifically alleged to assault informant and one Chandtara Khatoon. It is pointed out that petitioner no. 2 alleged to assault by using *Farsa* whereas the petitioner no. 3 alleged to assault injured Chandtara Khatoon by using iron rod. It is pointed out that injury as alleged to be caused by petitioner no.3, upon medical examination found simple in nature, whereas injury



as alleged to be caused by petitioner no. 2 upon informant found simple in nature except one injury which is the fracture of proximal end of left hand which is non vital part of the body. It is submitted that the injury was alleged to be caused by hard blunt substance, whereas petitioner no. 2 was specifically alleged to be equipped with *Farsa*, which is a sharp edged weapon and, therefore, in this view of matter allegation against petitioner no. 2 appears doubtful.

5. Arguing further, it submitted that injury is not the sole criteria to make out a case within the meaning of Section 109(1) of the BNS, rather several factors are required to be taken into consideration such as nature of weapon, manner of assault, the body parts where assault was made, the conduct of accused persons during pre and post 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. Shamsheer Singh [2025 SCC OnLine SC 807]**. Explaining criminal antecedent, It is submitted that petitioner no. 1,2 and 4 found involved in one criminal case, where they are on



bail, whereas petitioner no. 3 claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner No. 2 and 3 specifically alleged to assault informant and his mother during the occurrence, however he could not disputed the occurrence as of free fight in nature and the nature of injury as submitted by learned counsel appearing on behalf of petitioners.

6. In view of aforesaid factual submissions and by taking note of fact as occurrence is *prima facie* free fight in nature, where the injuries as alleged to be caused by petitioners found simple in nature except one injury which is on the proximal end of the finger of left hand, which opined as grievous due to fracture of its distal end, which is on non vital part of the body, accordingly, all above-named four petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, 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 S.D.J.M.,



Raxaul at Motihari, in connection with Palanwa P.S. Case
No.71 of 2026, subject to the conditions as laid down under
Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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