

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47636 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- MAIRWAN District- Siwan

Prince Kushwaha Son of Hareram Kushwaha Resident of Village - Titra
Takiya, P.S. - Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Mairwa P.S. Case No. 34 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118, 109, 74, 303(2), 352, 351(2), 3(5) of BNS.

3. The allegation against petitioner is to assault informant and others during the course of occurrence by using hockey stick causing head and bodily injuries, which alleged to be made with an intention to cause death, where occurrence is alleged to be arising out of ancestral land dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the occurrence was free fight in nature where both parties received injuries, and for same set of occurrence mother of petitioner namely, Radhika Devi lodged a



case which was registered as Mairwa P.S. Case No. 36 of 2026. It is submitted that the informant failed to mention the injuries as received by petitioner side during the occurrence. It is also submitted that petitioner alleged to assault four persons during the occurrence, where upon two person nature of injury was found simple and upon rest two person it was found grievous, but injury of one of the injured was found on non vital part. In this context it is further submitted that the nature of injury is not the only 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 like, nature of weapons, nature of injury, manner of assault, pre and post conduct of accused during the 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. Shamsher Singh* reported in *2025 INSC 503*. Petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that petitioner alleged to assault four persons including the informant by using hockey stick. It is submitted that the injury of two injured namely, Anand Kumar and Madan Kushwaha upon medical examination found simple. It is



submitted that injury of Madan Kushwaha is on the vital part of the body i.e., head.

6. In view of aforesaid factual submission and by taking note of fact as petitioner specifically alleged to assault informant and others during occurrence causing grievous injury, that too on the vital part of the body, accordingly prayer of anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J)

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