IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55281 of 2026

CNR No. BRHC010710612026

Arising Out of PS. Case No.-364 Year-2025 Thana- BHAGWANPUR District- Vaishali

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Sanoj Kumar Singh @ Sanoj Kumar Son of Late Shivlal Singh Resident of Village- Bafapur Banthu, Ps- Bhagwanpur, Dist- Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the State : Mr. Raj Ballabh Singh, A.P.P.
For the Informant : Mr. Amit Kumar Singh, Advocate
Mr. Satish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 23-11-2026 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 364 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 115(2), 118, 303(2), 109, 352, 351(2) of the BNS.

3. As per prosecution case, petitioner is said to have assaulted the informant upon his head by means of spade. It is alleged that thereafter all the accused persons concertedly assaulted the informant.

4. Learned counsel for the petitioner submits that the present case is merely counter blast of Bhagwanpur P.S.

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Case No. 363 of 2025 filed against the informant's side for the offences registered under Sections 191 (2), 193(2), 118, 303(2), 109, 352, and 72 of BNS. He further submits that the very genesis of the case reflects that dispute having civil tinge between the informant's side and petitioner's side for the removal of a particular article from the land in question has been given the colour of criminal offence for filing the FIR against the petitioner. In the light of the aforesaid facts and circumstances of the case, there is land dispute between the parties and in cases of land-dispute, facts are generally exaggerated to make the offence graver. He further submits that though there is allegation against the petitioner of assaulting upon the head of the informant by means of spade, but the injury caused has been found to have been caused by hard and blunt substance and there is no allegation of giving repeated blow upon the head of the informant. He further submits that there is allegation that all the accused persons have assaulted the informant and in the backdrop of the facts and circumstance of the case, it cannot be a case of Section 109, as alleged in the FIR. There is case and counter case between both the parties for the same date of occurrence and, as such, free fighting cannot be ruled out. Petitioner is in custody since 05.05.2026 and bears no

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criminal antecedent. Charge-sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Hence, petitioner deserves bail.

5. The learned A.P.P. for the State and learned counsel for the informant opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner who is said to have assaulted upon the head of the informant by means of spade and the same is supported by the injury report. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, there is no allegation giving repeated blow against the petitioner, there is case and counter case between the parties, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VIth, Vaishali, Hajipur in connection with Bhagwanpur P.S. Case No. 364 of 2025, subject to following

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conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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