IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67652 of 2026

CNR No. BRHC010965722026

Arising Out of PS. Case No.-213 Year-2026 Thana- RASULPUR District- Saran

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1. Shashi Bhushan Dube S/O Late Baliram Dubey Resident Of Village- Sasna, Police Station- Rasulpur, District- Saran
2. Ritesh Kumar Dube @ Ritesh Kumar @ Ritesh Kumar Pandey S/O Sunil Dube Resident Of Village- Sasna, Police Station- Rasulpur, District- Saran

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Mili Kumari, Adv.
For the Opposite Party : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Rasulpur P.S. Case No.213 of 2026 registered for the offences punishable under Sections 3(5), 126(2), 117(2), 118(1), 118(2), 109(1), 351(2), 351(3), 352 and 115(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The petitioners are named in the FIR and are in custody since 07.07.2026.

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4. As per FIR, petitioners along with other co-accused persons alleged to assault the son of the informant and others by means of lathi, iron rod etc. causing head and other bodily injuries, having intention to cause their death, where occurrence is alleged to be arising out of previous enmities.

5. It is submitted by learned counsel appearing for petitioners that occurrence was free fight in nature, where both side received injuries, for which petitioner's side also lodged a case earlier, which has been registered as Rasulpur P.S. Case No. 212 of 2026, as to counter the same, the present case was lodged against petitioners and others, where facial perusal of the FIR convey that informant is not the eye-witness of the occurrence as he was not present at the time of occurrence and he came over there, when he got the information from other people qua occurrence. It is submitted that as occurrence was free fight in nature, it can be safely said that petitioners were not under intention to cause death of the deceased. It is further submitted that injured persons were assaulted by four different co-accused

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persons including these petitioners causing grievous injury. It is submitted that in such view of the matter, the allegation of assault as raised against these petitioners appears very general and omnibus in nature.

6. Arguing further, it is submitted that merely on the basis of nature of injury, it cannot be said that petitioners were under intention to cause death within the meaning of Section 109(1) of the BNS as several factors are required to be taken into consideration like nature of weapon used, manner of assault, nature of injuries, the conduct of the accused persons i.e. 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. Shamsher Singh [2025 SCC OnLine SC 807].** While concluding argument, it is submitted that investigation of this case has already completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. While explaining criminal antecedent, it is submitted that petitioners found involved in one more criminal case, where

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they are on bail.

7. Learned APP while opposing the prayer of bail submitted that petitioners were actively involved during the occurrence causing physical assault to injured persons but he could not disputed the fact that occurrence was free fight in nature for which the counter case was also lodged by petitioners' side.

8. In view of aforesaid factual submissions and by taking note of fact, as occurrence *prima-facie* appears free fight in nature, where both parties received injuries coupled with the fact that allegation of physical assault appears general and omnibus in manner against petitioners and further investigation of this case has already been completed, wherein petitioners are in custody since 07.07.2026, accordingly, both above-named petitioners,, are directed to be released on bail 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 A.C.J.M.- VI, Saran at Chapra, in connection with Rasulpur P.S. Case No.213 of 2026, subject to the conditions as laid

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down under Section 437(3) of the CrPC/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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