IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75912 of 2026

CNR No. BRHC011091542026

Arising Out of PS. Case No.-296 Year-2019 Thana- NARHATT District- Nawada

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Bipin Yadav @ Bipin Kumar @ Vipin Yadav S/O Late Kapil Yadav R/O Village- Barabatta @ Barabbatta, P.S- Narhat, Distt.- Nawada.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Arjun Prasad, Adv.
For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Narhat P.S. Case No.296 of 2019 registered for the offences punishable under Sections 147, 148, 323, 307, 354, 379, 504 and 506 of the Indian Penal Code (in short 'IPC').

3. The petitioner is named in the FIR and is in custody since 20.07.2026.

4. Allegation against the petitioner is to assault informant and others during the occurrence by using iron rod etc. causing head and physical injuries, which was made with the intention to cause their death.

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5. It is submitted by learned counsel appearing for the petitioner that occurrence was free fight in nature, where both parties received injuries and for the same set of occurrence, the petitioner's side also lodged a case against informant and others prior to lodging this FIR which was registered as Narhat P.S. Case No. 294 of 2019. It is submitted that from the said FIR, it can be gathered that occurrence took place due to land disputes. It is pointed out that as occurrence was free fight in nature, where both parties received injuries, it can be gathered safely that petitioner was not under intention to cause death. It is submitted that this petitioner alleged to assault the informant during the course of occurrence on his head by means of iron rod which was a single injury without having any intervening circumstances though the nature of injury upon medical examination found grievous. It is submitted that merely on the basis of injury, it cannot be said that petitioner was under intention to cause death as several factors are required to be taken into consideration to make out a case under Section 307 of the IPC/ Section 109(1) of

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BNS 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].**

6. 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. Petitioner claimed clean antecedent.

7. Learned APP opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as occurrence *prima-facie* appears free fight in nature, where petitioner alleged to assault one time on the head of the informant without having any intervening circumstances coupled with the fact that investigation of this case has already been completed, wherein petitioner being a man of clean antecedent remains in custody since

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20.07.2026 accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada, in connection with Narhat P.S. Case No.296 of 2019, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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