IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75906 of 2026

CNR No. BRHC011108922026

Arising Out of PS. Case No.-46 Year-2026 Thana- JAYRAMPUR District- Sheikhpura

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Shambhu Sharan Singh @ Shambhu Singh Son of Late Yamuna Singh Resident of - Narsinghpur, P.O.- Gilani, P.S.- Jairampur, District - Sheikhpura.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Arun Kumar, Adv.
For the Opposite Party : Mr. Narendra Kumar Singh, 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 Jairampur P.S. Case No.46 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The petitioner is named in the FIR and is in custody since 21.09.2026.

4. Accused petitioner alleged to assault informant and his family members during the occurrence by using iron rod, khanti etc. causing head and bodily injuries, having

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intention to cause their death, where occurrence is alleged to be arising out of land dispute.

5. It is submitted by learned counsel appearing for the petitioner that occurrence was free fight in in nature, where both parties received injuries and for same set of occurrence petitioner's side also lodged a criminal case against informant and others which has been registered as Jairampur P.S. Case No. 47 of 2026. It is submitted that as the occurrence was free fight in nature, it can be safely gathered that petitioner was not under intention to cause death of the injured informant and other injured persons. It is pointed out that as per FIR, informant alleged to receive assault by three different persons including petitioner during course of occurrence, but upon medical examination only single cut injury was found on his forehead, though it was found grievous in nature. It is submitted that merely on the basis of nature of injury, it cannot be gathered that petitioner was under intention to cause death of the injured within the meaning of Section 109(1) of the BNS as several factors are required to be taken into consideration like

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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 placed reliance upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh vs. Shamsher Singh [2025 SCC OnLine SC 807].** Petitioner is a man of clean antecedent.

6. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer of bail submitted that the informant/injured received grievous injury during the course of occurrence but he could not disputed the fact that occurrence was free fight in nature as submitted aforesaid by learned counsel for the petitioner.

7. In view of aforesaid factual submission and by taking note of fact as occurrence *prima-facie* was free fight in nature, where both parties received injuries coupled with the fact that petitioner being a man of clean antecedent remains in custody since 21.09.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)

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with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sheikhpura, in connection with Jairampur P.S. Case No.46 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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