IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78523 of 2026

CNR No. BRHC011138912026

Arising Out of PS. Case No.-129 Year-2026 Thana- BEN P.S. District- Nalanda

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Kanhaiya Kumar @ Kanhaiya Singh, Son of Raju Singh, Resident of Village- Bhatu Bigha, P.S.- Ben, District- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the State : Mr.Binod Kumar, APP
For the Informant : Mr. Ranjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Ben P.S. Case No. 129 of 2026, registered for the offences under Sections 115(2), 117(2), 118(1), 109(1), 190, 191(2)(3), 74, 75, 76, 62, 329(2)(3), 352, 351(3), 303(2) of BNS.

3. As per prosecution case, the petitioner and other co-accused persons, armed with iron rod, sharp weapon, rifle and pistol, came to the doors of the informant and hurling abuses called the name of the husband of the informant. They forcibly entered into the house of the informant and put her down and

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tried to commit rape with her after tearing her clothes. When the husband of the informant intervened and tried to save her, he was brutally assaulted by altogether 30 persons causing a number of injuries to the husband of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. It is not believable that altogether 30 persons brutally assaulted the husband of the informant and he did not suffer any serious injuries and is still alive. The informant did not receive any injury as is clear from the rejection order. There are six injuries in the injury report of the husband of the informant, which are (i) Lacerated wound of size 3 cm x 0.5 cm over right side forehead, (ii) Lacerated wound of size 1 cm x 0.5 cm over right upper leg, (iii) Abrasion of size 4 cm x 0.25 over left arm, (iv) Abrasion of size 2 cm x 0.5 cm over left elbow posterior aspect, (v) Abrasion of size 2 cm x 2 cm over left knee anterior aspect and (vi) Swelling with pain over right foot. But these injuries are of superficial nature as is clear from their sizes. Most of the injuries are abrasion and laceration and only injury which has been found grievous is swelling pain over right foot, which appears to be grievous

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perhaps fracture. Learned counsel further submits that the petitioner's side has instituted a case against the informant's side vide Ben P.S. Case No. 20 of 2026 and there is property dispute between the parties. The petitioner is in custody since 18.09.2026 and is having antecedents of five cases.

5. Learned APP appearing for the State as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel appearing on behalf of the informant submits that the petitioner and other co-accused persons assaulted the husband of the informant and he received six injuries and one of the injuries is grievous in nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-specific and vague allegation against the petitioner and further considering the superficial nature of injuries and the background of property dispute between the parties and also considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Bihar Sharif,

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Nalanda/concerned court, in connection with Ben P.S. Case No. 129 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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