

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79139 of 2025

Arising Out of PS. Case No.-187 Year-2025 Thana- WAJIRGANJ District- Gaya

1. Shyamdeo Yadav @ Shyamdev Yadav S/O Deoki Yadav @ Dewki Yadav Resident of village - Yamunapur, P.S- Wazirganj, Dist.- Gaya
2. Pintu Yadav S/O Shyamdeo Yadav @ Shyamdev Yadav Resident of village - Yamunapur, P.S- Wazirganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-02-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Wazirganj P.S. Case No. 187 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 126, 115(2), 109, 303(2), 352, 74, 118(1) and 351(2) of BNS.

3. As per FIR, petitioners and other co-accused persons assaulted informant and others by using *lathi*, rod, sword etc. causing head and bodily injuries, where alleged assault was made with an intention to cause death. Occurrence



alleged to be taken place in the background of land dispute and previous enmities.

4. It is submitted by learned counsel appearing on behalf of the petitioners that prior to lodging this FIR, petitioner's side lodged a police case against informant which was registered as Wazirganj P.S. Case No. 186 of 2025 by the wife of petitioner no. 1 namely, Kanti Devi. It is submitted that the occurrence appears free fight in nature which took place in the background of land dispute, where both parties received injuries and, therefore, it can be safely said that petitioners were not under intention to cause death. In this context it is submitted that petitioner no. 1 alleged to assault Mina Devi and Monu Kumar, whereas petitioner no. 2 alleged to assault Priyaranjan. It is submitted that injury of Monu Kumar and Priyaranjan upon medical examination found simple in nature, whereas the injury report of Mina Devi is still awaited, but upon perusal of injury report, it appears on the non vital part i.e. upon her wrist suggesting *prima-facie* that same may



not likely to cause death, and therefore, these injuries further negate intention to cause death as to make out a *prima-facie* case within the meaning of Section 109 of BNS. Petitioners claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as occurrence *prima-facie* appears free fight in nature in background of land dispute where injury as alleged to inflicted by petitioners during occurrence upon medical examination either found simple or upon non vital part of the body *prima-facie* negating intention to cause death, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, 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 JM 1st Class, Gaya Jee /concerned Court, where the case is pending in connection with Wazirganj P.S.



Case No. 187 of 2025, subject to the conditions as
laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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