IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82270 of 2026

CNR No. BRHC011170442026

Arising Out of PS. Case No.-259 Year-2026 Thana- NEMDARGANJ District- Nawada

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Tuntun Kumar Yadav @ Tuntun Kumar Naryan @ Tuntun Kumar @ Tuntun Yadav S/o Kuldeep Yadav R/v - Jalalpur, PS - Nemdarganj, Distt - Nawada

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, Adv.
For the Informant : Mr. S.R.P. Sinha, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Nemdarganj P.S. Case No. 259 of 2026 registered for the offence under Sections 126(2), 115(2), 118(1), 117(2), 109, 351(3), 352, 3(5) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 22.08.2026.

4. The allegation against the petitioner is to assault informant and others alongwith co-accused person causing head and bodily injuries having intention to cause their death, where occurrence alleged to be arising out of soil filling on disputed land.

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5. Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner submitted that the occurrence basically was free fight in nature, where both parties received injuries. It is submitted that petitioner side also received injuries, but fairly conceded that no FIR was lodged by petitioner's side regarding the present occurrence. In this connection, it is submitted that one of the family members of the petitioner namely, Subhash Chandra Boss lodged a case against informant side which was registered as Town P.S. Case No. 663 of 2026. It is submitted that petitioner during occurrence alleged to assault the informant by using iron rod. It is submitted by Mr. Singh that upon medical examination four injuries were found upon injured- informant, out of which first and second wound found lacerated which was found on head and parital regions whereas third injury was of bruise over right eyebrow of below eye and fourth was pain and swelling in the right forearm, which after radio diagnosis found fractured and opined as grievous in nature. It is submitted that all three injuries which were found upon head and eyes upon medical examination was found simple in nature and was alleged to be caused by other co-accused persons during the

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occurrence including petitioner.

6. It is submitted that injury which was found grievous, was on the non-vital part of the body of the informant and was not sufficient to cause his death in ordinary course of nature and thus, negating his intention to cause death within the meaning of Section 109(1) of BNSS. It is submitted that there are several factors required to make out a *prima-facie* case under Section 109(1) of the BNSS like, nature of weapons, manner of assault, pre and post conduct of accused during the occurrence etc. In support of his submissions learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***State of Himachal Pradesh vs. Shamsher Singh*** reported in ***2025 INSC 503***. Explaining criminal antecedent, it is submitted that petitioner found indulged in four more criminal cases, which is with his neighbor out of land dispute, where he is on bail and moreover, investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Mr. SRP Sinha, learned senior counsel for the

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informant while opposing the prayer of bail submitted that petitioner alleged to equipped with iron rod and was alleged to assault on head, but conceded that injury as alleged to be caused by assault of petitioner upon medical examination found simple in nature as submitted aforesaid.

9. In view of aforesaid factual submission and by taking note of fact as the occurrence *prima-facie* appears free fight in the background of land dispute, coupled with fact that injury as alleged to be caused by petitioner found simple in nature upon medical examination, coupled with the fact that investigation of this case has already concluded, wherein petitioner remains in custody since 22.08.2026, accordingly petitioner above named, is directed to be released on bail in connection with Nemdarganj P.S. Case No. 259 of 2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st Nawada /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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