

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89229 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- CHACKMEHSI District- Samastipur

Baijnath Das @ Baidyanath Das son of Late Adhni Das @ Adheen Das
Resident of Village- Dadhiya, Ps- Chakmehasi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Chakmehsi P.S. Case No. 117 of 2024 registered for the offence under Sections 126(2), 115(2), 118(1), 109, 308(3), 352 and 3(5) of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 17.11.2025.

4. The allegation against the petitioner is to assault informant and others causing head and bodily injuries by using daab, lathi etc. Alleged assault was made with an intention to cause death of informant and other injured persons, where occurrence alleged to be arising out of land dispute.



5. Learned counsel appearing on behalf of the petitioner submitted that occurrence was free fight in nature, where both parties received injuries and for the same set of occurrence petitioner's side also lodged a criminal case against informant side. It is submitted that only injury is not the criteria to make out a case under Section 307 of the IPC rather there are several other factors which must be taken into consideration like nature of weapon, body part where alleged assault was made, nature of injury, pre and post conduct of accused persons 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 INSC 503]**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that informant received grievous injuries during the



occurrence.

7. In view of aforesaid factual submission and by taking note of fact as alleged occurrence was free fight in nature in the background of land dispute, where petitioner’s side also received injury and lodged a separate case, coupled with fact as investigation of this case already completed where petitioner remains in custody since 17.11.2025, accordingly petitioner above named, is directed to be released on bail in connection with Chakmehsi P.S. Case No. 117 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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