

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1817 of 2026

Arising Out of PS. Case No.-95 Year-2023 Thana- KOTWA District- East Champaran

Syamkant @ Shyamkant Kumar, S/o Shiw Shankar Mahto, R/o Village and
P.O.-Karariya, Konhawa Machhar Gawan, P.S.-Kotwa, District-East
Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner is named in the F.I.R. and apprehending his arrest in connection with Kotwa P.S. Case No. 95 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is to assault the informant and others alongwith other co-accused persons by means of *Lathi*, iron rod, knife etc. causing head and bodily injuries, having intention to cause their death, where occurrence is arises out of neighbourhood dispute and differences.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has been falsely implicated in the present case due to neighbourhood dispute and differences. It is submitted that occurrence is of free-fight in nature, where both parties have received injuries and for same set of occurrence a counter case was lodged by petitioner's side which has been registered as Kotwa P.S. Case No. 93 of 2023. It is further submitted that allegation is limited as to give only order/instigate to other co-accused persons to assault the informant and others during the course of occurrence. It is submitted by learned counsel that occurrence is free-fight in nature, therefore, it cannot be said that petitioner was under intention to cause death of the injured, which is a prime consideration to constitute a case under Section 307 of the I.P.C. Petitioner is a man of clean antecedent. Explaining injuries, it is submitted by learned counsel that all injuries as alleged to be caused by this petitioner, upon medical examination, found simple in nature except the injury found on ring finger, which was found grievous in nature. It is submitted that the body parts, where grievous injury was found is non-vital part, which negates the intention to cause death. The petitioner is a man of clean antecedent.



5. Learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner has actively participated during the course of occurrence.

6. In view of the aforesaid factual submissions and by taking note of the fact as the occurrence is free fight in nature, where both parties received injuries, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kotwa P.S. Case No. 95 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure (in short ‘Cr.P.C.’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’)

(Chandra Shekhar Jha, J.)

Sanjeet/-

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