

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9068 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- CHANDRAMANDI District- Jamui

1. Sanjay Singh Son Of Ghanshyam Singh R/O Village- Udarvani @ Urdwari, P.O.- Kewal, P.S.- Chandramandi, Dist.- Jamui
2. Birendra Singh Son Of Ghanshyam Singh R/O Village- Udarvani @ Urdwari, P.O.- Kewal, P.S.- Chandramandi, Dist.- Jamui

... .. Petitioners

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Chandramandi P.S. Case No. 150 of 2023 registered for the offences punishable under Sections 341/323/307/324/379/504/506/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to assault the son of the informant by Axe and rod causing bodily injury, having intention to cause his death, where the occurrence, as alleged, arises out of previous enmity.

4. Learned counsel appearing on behalf of the petitioners



submitted that nature of injuries is not the sole criteria to make out a case under Section 307 of the Indian Penal Code. It is pointed out that though in the present case the nature of injury is grievous, but the same appears on non-vital part of the body and it also not appears repeated without any intervening circumstances which is sufficient to suggest that petitioners were not under intention to cause death of son of the informant. It is further pointed out by learned counsel that allegation qua petitioner no.2 as to assault son of the informant by using Axe causing injury over waist is not a correct fact as no such injury was found noticed upon son of the informant. While concluding argument, it is submitted by learned counsel that even allegation as to cause assault out of which son of the informant received injury on his wrist is not specific against the petitioners rather the same is very general and omnibus, moreover, petitioners are of clean antecedent. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court in the case of **Jage Ram and Ors. Vs. State of Haryana** reported in **(2015) 11 SCC 366**.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid facts and circumstances of



the case as the only injury which is appearing grievous found upon non-vital part of body of son of the informant which appears alleged to be caused out of collective assault by accused persons, accordingly, above-named accused/petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Jamui, in connection with Chandramandi P.S. Case No. 150 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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