

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5359 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- PUWAKHALI District- Kishanganj

1. Puran Lal Ram S/O Sri Vochan Ram R/O Puran Tola, P.O- Kharudah, Barchaundi Hatt, P.S- Powakhali, Distt.- Kishanganj, Bihar- 855107.
2. Jawahar Lal Ram S/O Puran Lal Ram R/O Puran Tola, P.O- Kharudah, Barchaundi Hatt, P.S- Powakhali, Distt.- Kishanganj, Bihar- 855107.
3. Dhan Lal Ram S/O Puran Lal Ram R/O Puran Tola, P.O- Kharudah, Barchaundi Hatt, P.S- Powakhali, Distt.- Kishanganj, Bihar- 855107.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-02-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Powakhali P.S. Case No. 68 of 2024 registered for the offences punishable under Sections 115(2), 126(2), 118(1), 303(2), 334(1), 109(1), 76, 351(3), 352 and 3(5) of BNS, 2023.

3. The allegation against petitioners is to assault the informant with intention to cause death by using axe and also looted the PDS shop of the informant's father. It is further alleged that during the course of occurrence a cash of Rs. 25,000 was also looted along with one Samsung mobile



phone belongs to the informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that present occurrence took place in the backdrop of dispute arising out of loan of Rs. 50,000/-, which was advanced by petitioner no. 2 to the informant. It is submitted that this fact appears supported by Annexure P/3 of bail petition. It is further pointed out that during course of occurrence injury as alleged to be received by the informant is simple in nature and was single, which *prima-facie* negate intention to cause death. It is also submitted in this context that injury is of not such nature which may likely to cause death of injured/informant. It is submitted that rest of the allegation *qua* fact appears ornamental just as to aggravate the allegation. While concluding argument, it is submitted that petitioners side also lodged a criminal case against informant which was registered as Powakhali P.S. Case No. 69 of 2024 on 06.11.2024 regarding same occurrence, which otherwise narrated differently by informant in their favor through present case. It is further submitted that petitioners are men of clean antecedent.



5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of nature of occurrence arising out of previous enmities in the background of financial transaction, coupled with the fact that injury as alleged to be caused by petitioners appears simple in nature, negating intention to cause death on its face, coupled with the fact that petitioners are men of clean antecedent, accordingly, all above-named three 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 J.M., 1st Class, Kishanganj/concerned Court, where the case is pending in connection with Powakhali P.S. Case No. 68 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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