

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2938 of 2025

Arising Out of PS. Case No.-23 Year-2023 Thana- PIPRIYA District- Lakhisarai

1. Arbind Yadav @ Arbind Kumar S/o Ramkaran Yadav R/o vill- Diyara Pipariya, P.S- Pipariya, District- Lakhisarai.
2. Manish Yadav @ Manish Kumar S/o Krishna Yadav R/o vill- Diyara Pipariya, P.S- Pipariya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The both accused/petitioners are named in F.I.R.

and apprehending their arrest in connection with Pipariya P.S.

Case No. 23 of 2023, registered for the offences punishable

under Sections 341, 342, 323, 307, 379, 506/34 of the

Indian Penal Code.

3. The allegation against both above named

petitioners is to assault informant and others by using lathi,

iron rod etc. and also alleged to be equipped with pistol,



during the occurrence, where the informant and others received bodily and head injury. It appears out of FIR that alleged occurrence took place due to some hot exchange of words/altercations, which took place on 27.02.2023.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation *qua* physical assault is appearing very much general and omnibus in nature. It is submitted that all injuries as alleged to be caused during the occurrence by petitioners appears simple in nature, where one injury which alleged to be caused on little finger was found grievous as fracture was noticed in metacarpals. It is submitted that the natures of injury on its face, not sufficient to suggest that petitioners were under intention to cause death of the injured/informant or it was of such nature which may likely to cause death of the informant/injured. It is submitted that to make out a *prima facie* case for offence punishable under Section 307 of the Indian Penal Code, several factors taken to be considered as nature of weapon, the manner of assault, the post occurrence behaviour, the word said during the course of occurrence etc. as it was held



in ***Jage Ram & Others Vs. State of Haryana*** reported in ***(2015) 11 SCC 366***. It is submitted that merely by considering the nature of injury, it cannot be said that petitioners were under intention to cause death. In this context, it is further submitted that though petitioners alleged to be equipped with pistol, which is dangerous and more fatal weapon but no firing was alleged to be caused during the occurrence, which completely negate intention to cause death on its face.

5. Learned APP opposed the prayer of bail

6. Considering the aforesaid facts and circumstances and by taking note of nature of injury and also the fact as no firing appears to be made by petitioners despite of having pistol in hand, which negate prima facie intention to cause death, coupled with the fact that petitioners are of clean antecedents, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Lakhisarai/concerned Court, where the case is
pending in connection with Pipariya P.S. Case No. 23 of 2023,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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