

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10862 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Mithlesh Kumar S/O Dinesh Mahto R/O Vill-Jhapani, P.S-Medni Chowki,
Dist-Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari W/O Mithlesh Kumar R/O Vill-Jhapani, P.S-Medni Chowki,
Dist-Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Medni Chowki P.S. Case No. 142 of 2024 registered for the offence under Sections 498A, 341, 323, 307, 504 and 34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 30.09.2024.

4. The allegation against the petitioner is to commit cruelty upon informant who is none but his wife alongwith other family members / co-accused persons and while committing so petitioner being husband assaulted informant on 15.06.2024 alongwith family members causing head and



bodily injuries. It is alleged that assault was made with an intention to cause the death of the informant/ wife.

5. Learned counsel appearing on behalf of the petitioner submitted that the informant being wife had already matrimonial discord with petitioner/ husband and on the alleged date of occurrence when she received injuries on her forehead, while working domestic work present false case was lodged. It is pointed out that the nature of injury as received due to alleged assault upon medical examination found simple in nature, which *prima-facie* implies that alleged assault was not made with intention to cause death of the informant/ wife. It is pointed out that to make out a *prima-facie* case under Section 307 of IPC, several factors are taken into consideration in view of ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366*** and merely on the ground of injury as same is on vital part the case under Section 307 of IPC cannot be said made out. With such allegation, petitioner is in custody for about one year, where investigation of this case is already completed, as such, there is no chance of tampering with the evidence. Petitioner



claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that petitioner is the husband and he along with other family members assaulted informant/ wife.

7. In view of aforesaid factual submission and by taking note of fact as nature of injury upon medical examination as alleged to be caused by petitioner/ husband found simple in nature, prima-facie negating intention to cause death, coupled with fact that investigation of this case already completed, where petitioner remains in custody since 30.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Medni Chowki P.S. Case No. 142 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 JM 1st Class, Lakhisarai /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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