

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14948 of 2025**

Arising Out of PS. Case No.-357 Year-2022 Thana- BAHERI District- Darbhanga

1. Santosh Kumar @ Santosh Kumar Das S/O Ram Vinay Das R/O Village-Baghauni, P.S- Baheri, Distt.- Darbhanga.
2. Krishna Kumar @ Krishna Kumar Das S/O Ram Vinay Das R/O Village-Baghauni, P.S- Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      02-04-2025                      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 Baheri P.S. Case No. 357 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504, 34 of the Indian Penal Code.

3. As per allegation, available under FIR, petitioners alongwith other co-accused persons/family members assaulted informant and his family members with *lathi, rod, farsa, bamboo plate* etc. causing head and bodily injury, where they have been



alleged to cause assault, with intention to cause death of informant/injured person. Occurrence alleged to be arising out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that the allegation for physical assault is appearing very much general and omnibus against petitioners. It is pointed out that injury as alleged to be caused by petitioners found to be caused by hard and blunt substance, which upon medical examination found simple in nature and, therefore, the manner of assault and also the nature of injury, which alleged to be caused by sharp-edged weapon appears doubtful. It is submitted that occurrence admittedly arising out of land dispute. While concluding the argument, it is submitted that matter now compromised between the parties and, moreover, the other co-accused persons have been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 29845 of 2023 dated 14.07.2023. It is submitted that from the nature of injury as alleged to be caused by petitioner no. 2, it cannot be said that same was likely to cause death of the injured.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as nature of injury upon medical



examination found simple in nature, negating *prima facie* intention to cause death on its face, 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 A.C.J.M.-VII, Darbhanga/concerned Court, where the case is pending in connection with Baheri P.S. Case No. 357 of 2022, 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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