

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22605 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- TAJPUR District- Samastipur

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1. Deepak Kumar Son of Mithilesh Ray @ Mithlesh Kumar Ray Resident of Village- Kasbe Aahar, P.S.- Tajpur, District- Samastipur
 2. Kavi Kumar Son of Suresh Ray Resident of Village- Kasbe Aahar, P.S.- Tajpur, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2025 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 Tajpur P.S. Case No. 263 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 117(2), 109, 352, 351(2) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short the 'B.N.S.').

3. The allegation against the petitioners is to assault the informant and others with named accused persons by using iron rod causing head and bodily injuries, which was inflicted with an intention to cause their death, where



occurrence alleged to be arising out of some altercation which took place on 19.12.2024 inside the campus of LKDV College, Tajpur, after completion of first semester examination.

4. Learned counsel appearing on behalf of the petitioners submitted that present occurrence took place due to minor altercation which took place after completion of examination of BA 1st Part. It is pointed out that injury, as alleged to be inflicted upon informant namely, Rajnish Kumar, found simple in nature, whereas injury as alleged to be caused upon Manish Kumar, who is one of the associates of informant (Rajnish Kumar) could not ascertain in want of X-ray, but same was on non-vital part, which suggests that injuries, as alleged, was not sufficient to cause death of the injured in ordinary course of nature. While concluding argument, learned counsel submitted that matter appears compromised between the parties for which a compromise petition was filed before the learned court below. Petitioners claim to be men of clean antecedent.

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



6. In view of the aforesaid factual submissions and by taking note of the fact as injury, as alleged to cause upon the informant, found simple upon his medical examination, whereas it also appears that same was found upon the non-vital part of the body *prima-facie* denying the intention to cause death of the informant, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - I, Samastipur in connection with Tajpur P.S. Case No. 263 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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