

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31571 of 2025

Arising Out of PS. Case No.-72 Year-2023 Thana- SINDHIYA District- Samastipur

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Jitendra Singh @ Gorkha S/o Late Joganand Singh R/V Vasudeva, PS-
Singhia, Dist- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rishi Sinham Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-09-2025 Considering the submission of learned counsel for

the petitioner, let the defect, as pointed out by office, be

ignored for the present.

2. Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

3. The accused/petitioner seeks bail in connection

with Singhia P.S. Case No. 72 of 2023 registered for the

offences under Sections 341, 323, 325, 307, 504, 379 and

34 of the Indian Penal Code.

4. The accused/petitioner is named in the First

Information Report and is in custody since 29.07.2024.

5. Allegation against the petitioner is to assault the

informant and other family members by using iron rod etc.



causing head and bodily injury, where occurrence is alleged to arising out of land dispute.

6. It is submitted by learned counsel appearing on behalf of the petitioner that from the face of FIR it can be safely gathered that petitioner was not under intention to cause death of the informant and other injured persons. It is submitted that there is allegation of single assault without having any intervening circumstance, which negate *prima facie* intention to cause death.

7. It is submitted that the injury, which alleged to be received by the informant on his head and which alleged to be caused by this petitioner, upon medical examination was found simple in nature which further negate the intention to cause death.

8. It is submitted by learned counsel that the injury as alleged to be received by the brother of the informant during the occurrence was on non-vital part, which further negate the intention to cause death. It is submitted that to gather the intention to cause death, several factors are required to be taken into consideration like pre and post



conduct of the accused person *qua* occurrence, nature of weapon, manner of assault, nature of injury etc. and not merely that some injury was caused on vital part of the injured, therefore, it can be gathered that the alleged assault was caused with an intention to cause death. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana** reported in **(2015) 11 SCC 366**.

9. While concluding argument, it is submitted that the present occurrence took place in the background of land dispute and, moreover, investigation of this case is already completed and as such, there is no chance of tampering with the evidence. It is submitted that petitioner found involved in three criminal cases where he is on bail.

10. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

11. Considering the facts and circumstances as mentioned above and by taking note of the fact as nature of injury, as alleged to be caused by the petitioner on the head



of the informant, upon medical examination, was found simple in nature and was simple without intervening circumstances, negating *prima facie* intention to cause death, coupled with the fact that petitioner remains in custody since 29.07.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Rosera at Samastipur/concerned court, in connection with Singhiya P.S. Case No. 72 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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