

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25416 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- AURAI District- Muzaffarpur

1. Naresh Sahni S/O Late Chandeshwar Sahni Village- Madhuban Besi, P.S.- Aurai, District- Muzaffarpur
2. Pappu Sahni S/O Late Chhotan Sahni Village- Madhuban Besi, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur
For the Opposite Party/s	:	Mr.Shahabuddin Azeem @ S. Azeem
For the Informant	:	Ms. Swarnima, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-07-2025 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seeks bail in connection with Aurai P.S. Case No. 18 of 2025 registered for the offence under Sections 191(2), 190, 329(3), 126(2), 115(2), 118(1), 109, 303(2), 73, 352, 351(2) and 351(2) of BNS.

3. The petitioners are named in the F.I.R. and they are in custody since 21.01.2025.

4. The allegation against both petitioners is to assault informant/ others family members by using axe, lathi, rod etc. causing head and bodily injury, having intention to



cause their death, where occurrence alleged to be arising out of drainage issue.

5. Learned counsel appearing on behalf of the petitioners submitted that the alleged occurrence in fact was free fight in nature where both the parties received injuries, therefore, it can be gathered safely that petitioners were not under intention to cause death of injured/ informant as to attract a *prima-facie* case under Section 109 of BNS. It is submitted that for same set of occurrence petitioners also lodged police case against the informant and others which was registered as Aurai P.S. Case No. 21 of 2025. It is submitted that during the occurrence informant/ injured received simple injury, which also negate *prima-facie* intention to cause death. While concluding the argument, it is submitted that petitioners are of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, already and as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Ms. Swarnima learned counsel appearing for the informant while opposing



the prayer of bail submitted that the petitioner no. 1 assaulted on the head of injured wife and son of the informant by using axe, causing injuries on vital parts of the body, ie., head, out of which intention to cause death can be gathered fairly.

7. Contrary to above, it is submitted by learned counsel for the petitioners that there are several circumstances which might be looked into as to make out a *prima-facie* case under Section 307 of IPC, where injury as alleged to be inflicted on vital part is not the only criteria, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366***.

8. In view of aforesaid factual and legal submission and by taking note of fact as occurrence *prima-facie* appears free fight in nature, where both parties received injuries, coupled with the fact that nature of injury as alleged to be caused upon injured and the informant, upon medical examination found simple in nature negating *prima-facie* intention to cause death, coupled with fact that petitioners are



in custody since 21.01.2025, accordingly both above named petitioners, are directed to be released on bail in connection with Aurai P.S. Case No. 18 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned court no. 3 J.M. 1st Class (East), Muzaffarpur /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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