

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25418 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- AKBARPUR District- Nawada

Mithilesh Choudhary S/o Sarjun Choudhary R/o Village- Mahima Bigha, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Adv
: Mr. Dharendra Prasad Sinha, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-08-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Akbarpur P.S. Case No. 150 of 2024 registered for the offences under Sections 147, 149, 341, 323, 324, 307, 379, 504 & 506 of the Indian Penal Code.

3. The petitioner is named in the F.I.R. and is in custody since 26.01.2025.

4. The allegation against the petitioner is to assault the informant and others causing head and other bodily injuries having intention to cause their death, where alleged occurrence arising out of land dispute. Petitioner alleged to assault by using sword.

5. Learned counsel appearing on behalf of the petitioner



submitted that present occurrence took place in the background of land dispute. It is pointed out that allegation to cause grievous injury/fracture on the hand of informant is available against Kuleshwar Chaudhary who has already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 72106 of 2024 dated 22.03.2025. It is further pointed out that allegation against petitioner is to assault on the head of the informant by sword, but injury was found to be caused by hard and blunt substance, which is creating a prima-facie doubt *qua* allegation, as in ordinary course using of sword for assault by all probability may cause incised wound being sharp edged weapon. It is submitted that to gather intention to cause death, several pre & post occurrence factors are required to be considered and in support of submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana, [(2015) 11 SCC 366]**. While concluding the argument it is submitted that petitioner found involved in one more case, where he is on bail, and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.



7. In view of aforesaid factual submission and by taking note of fact as nature of injury creates a prima-facie doubt *qua* manner of assault as alleged against petitioner, coupled with the fact as petitioner remains in custody since 26.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Akbarpur P.S. Case No. 150 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 CJM, Nawada/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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