

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33313 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- DARIYAPUR District- Saran

1. Kameshwar Rai S/O Late Ramprit Rai R/O village- Dhongah Patu, P.s.- Dariyapur, Dist.- Saran.
2. Sajjan Kumar S/O Kameshwar Rai R/O village- Dhongah Patu, P.s.- Dariyapur, Dist.- Saran.
3. Sachin Kumar S/O Kameshwar Rai R/O village Dhongah Patu, P.s.- Dariyapur, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Dariyapur P.S. Case No. 16 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 109, 74, 303(2), 352, 351(2), 3(5) of Bhartiya Nyay Sanhita, 2023.

3. As per FIR, petitioners alongwith other co-accused persons assaulted informant causing head and bodily injuries with intention to cause his death after criminal trespass to his house, where occurrence alleged to be arising out of land dispute and previous enmity.



4. Learned counsel appearing on behalf of the petitioners submitted that the face of FIR itself suggest that the parties are in inimical terms with each other. It is submitted that admittedly no firing was made during the occurrence and the allegation *qua* physical assault appearing very much general and omnibus against petitioners. It is submitted that upon medical examination, only one injury was found upon the informant, namely Chandan Rai i.e. lacerated wound closed to the ear, which upon medical examination, found simple in nature caused by hard and blunt substance. It is submitted that the assault as alleged was not appears repeated, making allegation further false on its face. Petitioners claims their clean antecedents.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the assault alleged not appears repeated and further the nature of injury found simple upon medical examination of the informant, negating *prima facie* intention to cause death or to suggest that injury may likely to cause death of the informant/injured, accordingly, all 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 J.M. 1st Class, Saran at Chapra/concerned Court, where the case is pending in connection with Dariyapur P.S. Case No. 16 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition that:-

(i) That the learned trial court is directed to verify the criminal antecedents of the petitioners and if found involved in any criminal case contrary to their statement made on affidavit, bail bond of petitioners shall not be accepted.

(Chandra Shekhar Jha, J)

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