

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42520 of 2025

Arising Out of PS. Case No.-251 Year-2024 Thana- GOVINDGANJ District- East
Champaran

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Santosh Kumar Pandey @ Santosh Pandey, S/o Rameshwar Pandey, Resident
of Village- Mishrauliya Dah, P.S.- Govindganj, Distt-East Champaran, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms. Swarnima, Advocate
		Mr. Saurabh Kumar, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-08-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Govindganj P.S. Case No.251 of 2024 registered for the

offences punishable under Sections 147, 148, 447, 341, 232,

325, 307, 354-B, 379, 504 and 506 of the Indian Penal Code

(in short 'IPC').

3. The accused/petitioner is named in the FIR and is

in custody since 16.04.2025.

4. Allegation against the petitioner is to assault

uncle of informant along with other co-accused persons

causing head and bodily injuries, where assault was caused



with intention to cause death of uncle of the informant. The occurrence as per FIR alleged to be arising out of land dispute.

5. It is submitted by learned counsel appearing for petitioner that the allegation against petitioner as per FIR is to assault the uncle of informant on his head by using *farsa* which is a sharp-edged weapon. It is pointed out that if it is so, then the injuries which alleged to be inflicted by the petitioner must be of incised in nature in ordinary course but, upon medical examination, same found lacerated, creating a doubt *qua* allegation. It is submitted that the alleged assault is single without having any intervening circumstances, which further suggest that petitioner was not under intention to cause death. In this context, it is further submitted that several factors be taken into consideration to make out a *prima facie* case under Section 307 of IPC like pre and post conduct of occurrence, nature of weapons, manner of assault etc. and in support of submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015)]**



11 SCC 366]. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner found involved in two more criminal cases with same informant side.

6. Learned APP while opposing the prayer for bail submitted that as per FIR the specific allegation as to assault on the head of uncle of informant is available against petitioner.

7. Let it be so, as *prima facie* assault as alleged to be caused by petitioner appears non-repeated, without having any intervening circumstances, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 16.04.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, East Champaran, Motihari in connection with Govindganj P.S. Case No.251 of 2024,



subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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