

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50217 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- Jhandapur District- Bhagalpur

1. Raman Kumar Mishra @ Komal Mishra @ Kajal Mishra S/o- Ashok Kumar Mishra @ Ashok Mishra Resident of Auliyabad, P.S.- Jhandapur, Thandapur, District- Bhagalpur
2. Roshan Kumar S/o- Ashok Kumar Mishra @ Ashok Mishra Resident of Auliyabad, P.S.- Jhandapur, Thandapur, District- Bhagalpur
3. Ashok Kumar Mishra @ Ashok Mishra S/o- Mahendra Mishra Resident of Auliyabad, P.S.- Jhandapur, Thandapur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivesh Kumar Singh
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-10-2025 Heard the parties.

2. At the outset, learned Advocate for the petitioners seeks permission to make necessary correction in the name of petitioner no. 1. Let the same be done during the course of the day.

3. The petitioners apprehend their arrest in connection with Jhandapur P.S. Case No. 58 of 2025, registered for the offences punishable under Sections 115(2), 118(1), 126(2), 109, and 3(5) of the BNS, 2023.

4. Allegedly, while the informant was returning from attending the *shradh* ceremony, in the meanwhile, the



petitioners along with others intercepted him. It is specifically alleged that petitioner no. 1 assaulted him by means of sword over his stomach and further on his hand. When the informant tried to flee away, the petitioner no. 2 caught hold the leg of the informant and exhorted the other co-accused persons to pierce the sword in his stomach. The allegation against the petitioner no. 3 is of participation in the crime.

5. Learned Advocate for the petitioners submitted that the entire prosecution case falls to the ground for the simple reason that no injury has been found over the stomach. So far the injury, which is alleged to have sustained on the hand and leg of the informant, that is found to be simple in nature. To support the aforesaid contention, copy of the injury report has been produced before this Court, and the same is taken on record. It is further contended that there is a counter version of the present case being Jhandapur P.S. Case No. 70 of 2025. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation and the proceeding of the court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners have actively participated in the crime and brutally



assaulted the informant by means of sword.

7. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the simple nature of injury and the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 3rd Naugachhiya, Bhagalpur in connection with Jhandapur P.S. Case No. 58 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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