

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62339 of 2025**

Arising Out of PS. Case No.-882 Year-2023 Thana- SONEPUR District- Saran

Vikash Kumar @ Daini Kumar @ Vikash @ Daini, S/o Vedi Rai @ Siya Saran Ray, R/o Village-Saidpur (Salehpur). P.S.-Sonapur alias Sonpur (OP Pahleja), District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 30-10-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sonapur @ Sonpur P.S. Case No.882 of 2023 registered for the offences punishable under Sections 341, 323, 147, 148, 325, 307, 435, 504 and 506 read with 34 of the Indian Penal Code (in short 'IPC').

3. The accused/petitioner is named in the FIR and is in custody since 16.06.2025.

4. Allegation against the petitioner is to open indiscriminate firing upon informant and others and also to cause physical assault with *lathi* and rod causing head and



bodily injuries. The alleged assault was made with intention to cause death, where occurrence took place due to lifting of wheat on priority basis from the field where it was harvested.

5. It is submitted by learned counsel for petitioner that during occurrence, both sides received injuries for which the petitioner's side also lodged a case against informant and others, which was lodged as Sonapur P.S. Case No.260 of 2023. It is submitted that during the occurrence, no one received the bullet injury even in the background of allegation of indiscriminate firing. It is submitted that police found nothing in support of allegation of indiscriminate firing rather during course of occurrence, father of petitioner received gunshot injury for which, aforesaid case was lodged. It is pointed out that as occurrence was free fight in nature, it cannot be said that petitioner was under intention to cause death of injured/informant. It is pointed out that mere nature of injury was grievous upon medical examination does not lead to conclusion *ipso facto* that petitioner was under intention to cause death of injured. In support of his submission, learned counsel 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 the petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the occurrence appears *prima facie* free fight in nature, where investigation of this case is appears completed, where petitioner remains in custody since 16.06.2025, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur @ Sonpur P.S. Case No.882 of 2023, 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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