

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77621 of 2024

Arising Out of PS. Case No.-504 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Sanjeet Kumar S/o- Raj kumar @ Dhodha Sah Resident of village- Gandhi
Nagar Pokhra, Ps- MotihariTown, Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-02-2025 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

Motihari Town P.S. Case No. 504 of 2024 registered for the

offences under Sections 191(2), 191(3), 190, 126, 329(4),

115(2), 118, 109 and 303(2) of the BNS

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

custody since 20.08.2024.

4. The allegation against the petitioner is to assault

the informant and other family members, along with other co-

accused persons equipped with deadly weapons like knife, rod

etc., where occurrence was alleged to be arising out of



previous enmity. It is further alleged that occurrence was joined by 25-30 unknown persons.

5. Learned counsel appearing on behalf of the petitioner submitted that injury received by injured was reported simple in nature after their examination and was not of such nature, which may likely cause death in ordinary course of nature. It is submitted that allegation of repeated assault is available against co-accused namely Nikhil Kumar who has granted anticipatory bail by this Court through Cr. Misc. No. 2984 of 2025 vide order dated 12.02.2025 for the reasons that no such injury on head was noticed upon medical examination rather it was found on other body part of the injured. It is further submitted that petitioner was only part of the crowd facing general and omnibus allegation *qua* physical assault. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, 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 the facts and circumstances as mentioned above and by taking note of fact as allegation *qua* physical assault is appearing very much general and omnibus, where injury received found simple in nature during the course of occurrence, negating *prima faice* intention to cause death, coupled with the fact as petitioner is in custody since 20.08.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Motihari Town P.S. Case No. 504 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 Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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