

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2984 of 2025

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

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1. Sita Devi Wife of Late Santosh Gupta Resident of Village - Gandhinagar Pokhara, P.S. - Motihari, District - East Champaran
 2. Nikhil Kumar Son of Late Santosh Gupta Resident of Village - Gandhinagar Pokhara, P.S. - Motihari, District - East Champaran
 3. Sumit Kumar Son of Raj Kumar @ Dhodha Sah Resident of Village - Gandhinagar Pokhara, P.S. - Motihari, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Yerra Madhavi, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners and learned APP

for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Motihari Town P.S. Case No. 504 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126, 329(4), 115(2), 118, 109 and 303(2) of Bhartiya Nyay Sanhita (in short 'B.N.S.'). They have no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioners is to assault the informant and other family members, along with co-accused persons equipped with deadly weapon like knife, rod etc., where



occurrence was alleged to be arisen out of previous enmity. It is further alleged that occurrence was joined by 25-30 unknown persons also.

4. Learned counsel appearing on behalf of the petitioners submitted that injury, which was alleged to be received by the informant and his nephew appears simple in nature upon their medical examination, sufficient to suggest on its face that petitioners were not under intention to cause their death. It is submitted that occurrence took place due to certain disputed financial transaction between the parties. It is submitted that nature of injury are also not of such nature which may suggest that same may likely to cause death of the injured persons. It is submitted that to constitute a *prima-facie* case under Section 307 of the I.P.C., different factors to be taken into consideration as nature of weapons, manner of assault, nature of injury, pre and post conduct of the accused etc.

5. In this context, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana** reported in **(2015) 11 SCC 366**. It is further submitted that petitioners are men of clean antecedent.

6. Learned A.P.P. for the State has opposed the prayer for



anticipatory bail of the petitioners.

7. In view of the aforesaid factual submissions and by taking note of the fact as nature of injury appears simple in nature, negating intention to cause death on its face, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Motihari Town P.S. Case No. 504 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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