

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6431 of 2026

Arising Out of PS. Case No.-78 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

-
1. Ajay kumar @ Lakhan Kumar son of Jattu Pandit @ Singhasan Sahni
Resident of village - Sarotar, Ps- Dumariyaghat, Dist- East Champaran
 2. Basant Kumar son of Mohan Sahani Resident of village - Sarotar, Ps-
Dumariyaghat, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Harsha Shaswat, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 12-05-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 447, 341, 323, 324, 325, 307, 379, 506, 147, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that one Virappan Sahani and the petitioner, namely, Ajay Sahani assaulted the informant with iron rod due to which his leg and hand got fractured. It is specifically alleged against both the petitioners that they assaulted him with *farsa* on his head due to which he received bleeding head injury.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Learned counsel for the petitioners has submitted that according to FIR, the date of occurrence is 08.05.2020 whereas the FIR was lodged on 10.05.2020. From perusal of the injury report of the Nand Kumar (informant), it transpires that he has received following injuries:- (i) swelling and tenderness of size 8" x 4" on posterior surface of left hand (ii) lacerated wound of size 2" x ½" on vertex of skull (iii) swelling and tenderness of size 2" x 1" on right shoulder (iv) swelling and tenderness of size 1 ½" x 1" on left calf muscle. Learned counsel for the petitioners has submitted that from perusal of the injury report of the informant, it is clear that there is no injury on his head and the nature of injuries as opined by the doctor is simple caused by hard and blunt substance whereas the allegation against the petitioners is that they have assaulted him on his head with *farsa*. Earlier, the case was filed under Section 307 of IPC but later on, when the informant died, the case was filed under Section 302 of IPC. Learned counsel has further submitted that from perusal of the postmortem report, it transpires that the doctor conducting autopsy of the deceased has found ante-mortem injuries on the person of the deceased. He has opined that the cause of death of the deceased is shock and haemorrhage due to head injuries caused by hard and blunt substance. Learned counsel has further submitted that earlier



injuries of the informant which were caused on the date of the occurrence, does not match with the ante-mortem injuries which were found in the postmortem. There was land dispute between the parties and it seems that the informant has received other injuries and taking benefit of death, the petitioners have been implicated in this case. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 19.11.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Dumariyaghat P.S. Case No. 78 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Motihari, East Champaran.

(Ashok Kumar Pandey, J)

Shubham/-

U		T	
---	--	---	--

