

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17900 of 2025

Arising Out of PS. Case No.-137 Year-2021 Thana- PALIGANJ District- Patna

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1. Virendra Kumar Singh @ Virendra Singh
 2. Santosh Kumar Singh @ Santosh Kumar
Both are S/o Girija Singh
 3. Nitish Kumar, S/o Virendra Kumar Singh @ Virendra Singh @ Birendra Singh
All are Resident of Village- Sarsi, P.S.-Paliganj, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 20-01-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and

apprehending their arrest in connection with Paliganj P.S.

Case No.137 of 2021 registered under Sections 341, 323,

325 and 307 read with 34 of the Indian Penal Code.

3. Allegation against petitioners is to assault the

informant and others along with family members/co-accused

persons by using brick-plates etc., causing fracture of nose

and other bodily injuries, where assault as alleged was made



with intention to cause death, where the occurrence appears to be arising out of land dispute.

4. It is submitted by learned counsel appearing for petitioners that the thrust of allegation *qua* physical assault and fracture to nose of informant is though available against petitioner no.3 Nitesh Kumar, who is son of petitioner no.1, it appears that the only single assault was caused by petitioner no.3 without having intervening circumstances and, therefore, it cannot be said that the assault was made with intention to cause death. It is submitted that the prime consideration as to whether the assault was made with intention to cause death or not, several factors are required to be taken into consideration like, nature of injuries, nature of weapons, manner of assault, pre and post conduct of occurrence, etc. In support of his submission, learned counsel has relied upon legal reports of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]** and **State of Himachal Pradesh vs. Shamsher Singh [2025 SCC OnLine SC 807]**. While concluding argument, it is pointed out that the allegation *qua* petitioner



nos. 1 and 2 are appearing very much general and omnibus in nature and they have implicated only being parent and uncle of Nitesh Kumar/petitioner no.3. The petitioners are men of clean antecedent.

5. Arguing further, it is submitted that FIR for this issue was lodged after ten days of the occurrence as an afterthought in the background of the land dispute.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note nature of assault, as same was single without any intervening circumstances *prima facie* negate the intention to cause death on the part of petitioner no.3, whereas allegation *qua* physical assault appears very much general and omnibus against petitioner no.1 and 2, accordingly, all above-named three petitioners in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur in connection with Paliganj P.S. Case No.137 of



2021, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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