

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28073 of 2026

Arising Out of PS. Case No.-49 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

-
1. Ajay Kumar Poddar @ Ajay Kumar, S/o Bablu Poddar
 2. Bablu Poddar @ Bablu Podhar, S/o Reni Poddar
Both are R/o Village-Simri, Tola-Duwarika, Ward No.-15, P.S.-Simri
Bakhtiyarpur, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Simri
Bakhtiyarpur P.S. Case No.49 of 2025 registered under
Sections 126(2), 115(2), 109, 303(2) and 352 read with
3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS')
and Section 27 of the Arms Act.

3. Allegation against petitioner is to assault on the

head of informant by using the butt of country-made pistol
causing injury on his head. Allegation is also to assault on
nose in same manner. When informant become unconscious,
the petitioners snatched cash of Rs.10,000/- and golden



chain worth of Rs.1,40,000/- for the neck of the informant. It is also alleged lastly that the firing was made by the petitioner Ajay Kumar Poddar, which could not hit him.

4. It is submitted by learned counsel appearing for petitioners that due to previous enmity arising out of Bakhtiyarpur P.S. Case No.56 of 2024, the present occurrence took place. It is pointed out that the allegation of firing during actual occurrence is not available against petitioner no.1, which negates his intention. It is also pointed out that the allegation against petitioner no.2 is very much general and omnibus in nature. Finally, it is submitted that upon medical examination, the nature of injury found simple in nature, where only two injuries were found, which are generalized bodyache and pain over nose but, no visible injury was noticed upon head, which makes the allegation false on its face. Both petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact, as having all occasion to shot the informant, no firing was made by petitioner no.1 during the occurrence and moreover no injury as alleged was found upon



the head of the informant and moreover same was found simple in nature *prima facie* negating the intention to cause death, accordingly, both petitioners, above-named, who are of clean antecedent, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, 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 C.J.M. Saharsa in connection with Simri Bakhtiyarpur P.S. Case No.49 of 2025, 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.)

Sanjeet/-

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

