

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26554 of 2026

Arising Out of PS. Case No.-226 Year-2020 Thana- KAKO District- Jehanabad

1. Samindra Yadav S/o Uma Yadav R/o vill - Dharampur, P.S.- Kako (Bhelawar), Distt.- Jehanabad
2. Santosh Yadav S/o Late Ramji Yadav R/o vill - Dharampur, P.S.- Kako (Bhelawar), Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners named in the F.I.R. and apprehending their arrest in connection with Kako (Bhelawar) P.S. Case No. 226 of 2020, registered for the offence punishable under Sections 341, 323, 325, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the F.I.R., petitioners alleged to have assaulted the informant and others during the occurrence which took place for land dispute and caused injuries on their head and bodily parts with intention to cause death of injured.

4. It is submitted by learned counsel for the petitioners



that both petitioners at first instance alleged to assault injured Dharmendra Yadav, who got received a single injury on his head. It is submitted that the final injury report after X-ray of the injury suggest that it was of simple in nature. It is also submitted that factual aspect of this case not suggesting that the petitioners repeatedly assault the injured, Dharmendra Yadav.

5. As far second allegation of assault is concerned, the petitioner No.1 along with Samru Yadav assaulted informant which caused injury on his forearm which upon medical examination found simple in nature, It is submitted that this allegation is not specifically available against the petitioner and moreover the assault was alleged to be made on non-vital part of the body which also negate intention to cause death.

6. It is further pointed out by learned counsel that on the basis of the nature of injury only whether it is simple or grievous, it cannot be said that a prima facie case for offence punishable under 109 of BNS, 2023 corresponding to 307 of the I.P.C. is made out, rather several factors are required to be taken into considerations such as nature of injury, manner of assault, pre and post conduct of accused, etc. and in support of this submission, learned counsel relied upon decision of the Supreme Court in the case of State of **Himachal Pradesh Vs.**



Shamsher Singh reported in **2025 SCC Online SC 807**.
Petitioner claims clean antecedent.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that petitioner No.1 actively participated in the occurrence and repeatedly assault to the informant whereas he could not deny the fact that the head injury was found simple in nature and another injury found upon non-vital part of the body of the informant.

8. In view of the aforesaid factual submissions and by taking note of over all nature of injuries and manner of occurrence, both the petitioners, as named above, who are persons of clean antecedent, in the event of their arrest or surrender within four weeks from today, be enlarged 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 Chief Judicial Magistrate, Jehanabad, in connection with Kako (Bhelawar) P.S. Case No. 226 of 2020, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Chandra Shekhar Jha, J)

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