

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27185 of 2026

Arising Out of PS. Case No.-86 Year-2025 Thana- DARBHANGA District- Darbhanga

Deepak Mandal @ Deepak Kumar S/o Jibachh Mandal Resident of Mohalla -
Shivaji Nagar Fulwadi, Police - Station - Town, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Town P.S. Case No. 86 of 2025 registered for the offences punishable under Sections 115(2), 117(2), 126(2), 303(2), 308(3), 109, 351(2), 352 and 3(5) of the BNS.

3. As per FIR, petitioner alleged to assault informant along with other co-accused persons by using shocker pipe causing fracture in both hands and also demanded extortion of Rs.50,000/- from him on several occasions. Alleged occurrence took place due to non-payment of extortion amount of Rs.50,000/- and further other co-accused person alleged to snatch Rs.8,400/- from the pocket of informant and also to snatch one gold chain worth of Rs.25,000/-.



4. It is submitted by learned counsel appearing on behalf of the petitioner that the injury is not the sole criteria under Section 109 of the BNS and moreover injury as alleged was caused on non-vital part of the body, which sufficiently suggest that petitioner was not under intention to cause death having all occasion to assault on the vital part of the body, particularly when petitioner was in the group of 5 named and 15 unknown persons. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsheer Singh, [2025 SCC OnLine SC 807]**. While concluding arguments, it is submitted that petitioner found involved in one more criminal case where he is on bail.

5. Learned APP while opposing the prayer of bail submitted that informant brutally assaulted during the course of occurrence and he alleged specifically against this petitioner through FIR that he was the person, who assaulted on his both hands causing fracture by using shocker pipe. It is further submitted that in view of specific allegation, petitioner does not deserves anticipatory bail. It is pointed that upon medical examination both hands of petitioner was found fractured corroborating with the statement as made through FIR.



6. In view of aforesaid factual submission and by taking note of fact as allegation is specifically available against petitioner to cause multiple grievous injury upon informant during the course of occurrence as discussed aforesaid, which duly appears corroborating with his medical report, accordingly prayer of anticipatory bail of petitioner stands rejected.

7. If petitioner surrenders before the court below, the prayer of regular bail shall be decided in accordance with law without being prejudiced with any observations made here-in-above.

(Chandra Shekhar Jha, J.)

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