

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30039 of 2026**

Arising Out of PS. Case No.-18 Year-2026 Thana- Hariharnath P.S. District- Saran

1. Sunny Kumar S/o Sanjay Singh R/o Mohalla- Chidiya Bazar, Ward No. 17, P.O and P.S.- Sonpur, District- Saran
2. Jacky Kumar @ Sumit Kumar S/o Sanjay Singh R/o Mohalla- Chidiya Bazar, Ward No. 17, P.O and P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Sanjay Kumar Ojha, Adv     |
|                          | : | Mr. Ved Prakash Chandan, Adv   |
| For the Opposite Party/s | : | Mr. Brajendra Nath Pandey, APP |
| For the Informant        | : | Mr. Niraj Kumar, Adv           |
|                          | : | Mr. Prashant Kumar, Adv        |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      11-05-2026                      Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Harihar Nath P.S. Case No. 18 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 351(2) & (3), 352 and 3(5) of the BNS.

3. As per FIR, petitioner alleged to assault informant causing chest injury, where injury was alleged to be caused by using one sharp edged weapon and knife. The allegation is also to ask extortion money of Rs. 5 lakhs.

4. It is submitted by learned counsel appearing on behalf of the petitioners that prior to this case the father of



petitioner namely Sanjay Singh was assaulted by informant and others and he was badly injured in that case for which Sonpur P.S. Case No. 979 of 2023 was lodged, where police after completion of investigation submitted closure report/final form against informant and others, where learned Jurisdictional Magistrate took cognizance on the basis of materials available on record where after as an afterthought present false case was lodged implicating both son of the informant of aforesaid case.

5. Arguing further, it is submitted that upon medical examination the nature of injury was found simple in nature and moreover, there is no allegation regarding assault against petitioner no. 2, who is man of clean antecedent. In this context it is submitted that it was wrongly observed by Learned Sessions Judge through impugned order that petitioner involved in two criminal cases, which was corrected subsequently through order dated 01.04.2026. It is also submitted that in similar manner observation *qua* grievous injury was recorded wrongly, through impugned order, which in actual found simple in nature, as per para-57 of the case diary.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioners were found involved in actual occurrence, petitioner



no. 2 caught hold of informant during the occurrence, while petitioner no. 1 assaulted with sharp edged weapon, however he could not disputed nature of injury which found "simple" in nature.

7. In view of aforesaid factual submission and by taking note of fact as allegation *qua* assault appears non-repeated, coupled with the fact as injury upon medical examination also found simple in nature alleged to be caused by petitioner no. 1, prima-facie, negating intention to cause death, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, 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 Additional Sessions Judge-VIIIth, Saran/concerned Court, where the case is pending in connection with Harihar Nath P.S. Case No. 18 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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