

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29996 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- KHAIRA District- Jamui

1. Dharmendra Manjhi Son of Late Bachchu Manjhi @ Bachhu Manjhi R/o Village - Joga Jhingoi, P.S. Khaira, Dist. - Jamui.
2. Sanjay Manjhi S/o Late Bachchu Manjhi @ Bachhu Manjhi R/o Village - Joga Jhingoi, P.S. Khaira, Dist. - Jamui.
3. Dhiraj Manjhi S/o Late Bachchu Manjhi @ Bachhu Manjhi R/o Village - Joga Jhingoi, P.S. Khaira, Dist. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Khaira P.S. Case No. 11 of 2026 registered for the offences punishable under Sections 191(2), 191(3), 190, 115(2), 126(2), 109(1), 117(2), 324(4), 351(2), 352, 329(4) of the BNS.

3. The allegation against the petitioners is to assault informant and others alongwith co-accused persons, causing head and bodily injuries, where assault was made with intention to cause death. The occurrence alleged to be



taken place due to previous enmity.

4. It is submitted by learned counsel appearing on behalf of the petitioners that allegation regarding physical assault is appearing very much general and omnibus against petitioners. The injury as alleged to be caused by petitioners, upon medical examination of the injured found simple in nature, negating *prima facie* their intention to cause death. It is further submitted that merely because the injury was found on a vital part of the body i.e. the head, the learned court below rejected the prayer for anticipatory bail of the petitioners, however, injury on a particular body part alone cannot be the sole or prime consideration for making out of *prima facie* case under Section 109(1) of BNS. Rather, several other aspects, including the nature of injury, manner of assault, weapon used and the pre and post-occurrence conduct of the accused persons, are also required to be considered for constituting an offence within the meaning of Section 109(1) of the BNS. 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. Shamsher Singh, reported as ***2025 SCC***
OnLine SC 807.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the injury which alleged to be caused by the petitioners upon medical examination found simple in nature, *prima facie* negating intention to cause death, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is 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 Chief Judicial Magistrate, Jamui/concerned Court, where the case is pending in connection with Khaira P.S. Case No. 11 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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