

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32946 of 2025

Arising Out of PS. Case No.-633 Year-2023 Thana- BRAHMPUR District- Buxar

1. Vir Hanumat Singh @ Vir Hanuman Singh S/o Sohan Singh @ Narsing Narayan Singh Resident of Village- Mahuar, P.S.- Brahampur (Nainizor), Distt.- Buxar
2. Jay Hanuman Singh S/o Sohan Singh @ Narsing Narayan Singh Resident of Village- Mahuar, P.S.- Brahampur (Nainizor), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP
For the Informant	:	Mr. Ramchandra Singh, Adv
	:	Mr. Shankar Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 06-01-2026 Heard the parties.

2. Both petitioners are named in the F.I.R. and apprehending their arrest in connection with Brahmpur (Nainizore) P.S. Case No. 633 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

3. As per FIR, due to previous enmities petitioners along with other named accused persons assaulted son of informant with *lathi*, rod and knife etc., during course of occurrence causing grievous bodily injuries.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that allegation *qua* physical assault is appearing very much general and omnibus and moreover injury appearing simple in nature. In this context, it is further submitted that alleged assault was said to be caused by these petitioners along with one Gama Singh. It is pointed out that upon medical examination on first instance the nature of injury found simple in nature, which was found lacerated, which not appears prima-facie corroborated with allegation of assault which was alleged to made by knife, which is a sharp edged weapon having all probability to cause incised wound.

5. While concluding argument, it is submitted that nature of injury cannot be only basis on which it can be said that petitioners were under intention to cause death of son of informant as several other factors are required to be taken into consideration like pre-post conduct of the accused persons, nature of weapon used, nature of injury and body part where injury was inflicted during the course of occurrence. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of**



Haryana, [(2015) 11 SCC 366]. Petitioners are men of clean antecedents.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that son of informant was brutally assaulted by petitioner no. 1 during the course of occurrence, it was repeated blow, three times on the vital part of the body and lungs were also damaged to some extent, which is apparent from the report of BHU Trauma Centre. It is pointed out that the report of Primary Health Care (PHC) is based upon visual basis without any radiological examination. In support of his submission, learned counsel for the informant drew attention towards the statement of injured namely Dhruv Kumar, which is available in paragraph no. 21 of the Case Diary, where he categorically stated that petitioner no. 1 assaulted him repeatedly by using knife. Upon perusal of report of BHU Trauma Centre, it appears that eighth and ninth ribs of injured were found broken.

7. Let it be so, as injured specifically stated that petitioner no. 1 assaulted him by using knife repeatedly which



appears *prima-facie* corroborating with medical report, accordingly prayer for anticipatory bail of petitioner no. 1 namely Vir Hanumat Singh @ Vir Hanuman Singh stands **rejected.**

8. However, injured is silent about any knife assault caused by petitioner no. 2, accordingly petitioner no. 2, namely, Jay Hanuman Singh in the event of his arrest or surrender before the court below within a period of four weeks, 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 C.J.M. Buxar/concerned Court, where the case is pending in connection with Brahmpur (Nainizore) P.S. Case No. 633 of 2023, 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.)

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