

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36635 of 2026

Arising Out of PS. Case No.-35 Year-2026 Thana- KOTWALI District- Patna

Santosh Kumar Sharma S/O Vishwanath Singh R/O House No.- 33, Choti Tangrilla, Amarpura, P.S- Paliganj, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Bharti, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Kotwali P.S. Case No. 35 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 351(2), 303(2), 352 and 3(5) of BNS.

3. The allegation against petitioner is to assault informant on his head where alleged assault was made with an intention to cause death of the informant/ injured, where scuffle took place due to parking issue of the vehicle.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the allegation, as per FIR, is to cause only single assault, where nature of injury upon medical examination found simple in nature which negate *prima-facie* that petitioner was under intention to cause death of the informant. 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 in ***2025 INSC 503***. Petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact that alleged assault *prima-facie* not appears repeated, where nature of injury upon medical examination also found simple in nature *prima-facie* negating intention to cause death, accordingly petitioner above-named, 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna /concerned Court, where the case is pending in connection with Kotwali P.S. Case No. 35 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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