

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36550 of 2026**

Arising Out of PS. Case No.-89 Year-2025 Thana- GOGRI District- Khagaria

1. Amresh Kumar, S/o Late Rajendra Singh
2. Mina Devi @ Janki Devi, Wife of Late Rajendra Singh  
Both are resident of Village - Barichak, Ward No. 18, P.S.- Gogri, District - Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                          |   |                                                         |
|--------------------------|---|---------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Binod Kumar, Advocate<br>Mr. Amit Prakash, Advocate |
| For the Opposite Party/s | : | Mr. Rajendra Nath Jha, APP                              |

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

2      15-06-2026                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR  
and apprehending their arrest in connection with Gogri P.S.  
Case No.89 of 2025 registered under Sections 126(2),  
115(2), 117(2), 125, 109 and 352 read with 3(5) of the  
Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

3. Allegation against petitioners is to assault the  
informant and others along with other co-accused persons  
causing head and bodily injuries, where alleged assault was  
made by pelting stones, where occurrence took place due to  
land dispute between the parties.



4. It is submitted by learned counsel appearing for the petitioners that the allegation as per FIR is in two parts; where in first part, a general and omnibus allegation is available against the petitioners, where in second part, the specific allegation is available, which speaks that petitioner no. 1, namely, Amresh Kumar caused one head injury to the informant, which upon medical examination found simple in nature. It is submitted that only third injury, which is regarding fracture of four teeth of upper right side jaw is concerned, same is not available against these petitioners.

5. Arguing further, it is submitted that the intention to cause death cannot be gathered simply by nature of injury, rather it is to be gathered by several other factors like, nature of weapons, manner of assault, pre and post conduct of the accused etc. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme court as available through **State of Himachal Pradesh vs. Samsher Singh [2025 SCC OnLine SC 807]**. Both petitioners claimed clean antecedent, where petitioner no.2 is a lady and the mother of petitioner no.1, facing general and omnibus allegation.



6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of nature of accusation as available against petitioner no.1, where injuries as alleged to be caused specifically by him upon medical examination found simple in nature and same also not appears repeated *prima facie* negating the intention to cause death, where *prima facie* allegation as available against petitioner no.2, who is none but the mother of petitioner no.1 and is a lady of clean antecedent, accordingly, both above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on 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 A.C.J.M.-1st, Gogri, Khagaria in connection with Gogri P.S. Case No.89 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the B.N.S.S.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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