

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38000 of 2025

Arising Out of PS. Case No.-1 Year-2024 Thana- KHUSRUPUR District- Patna

- 1. Raj Kumar Rai @ Raj Kumar, Son of Ramananad Rai,
- 2. Manti Devi @ Fulmanti Devi, Wife of Raj Kumar Rai,
Resident of Village-Khirodhrpur, P.S.- Khursrupur, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Md. Musowir, Advocate
For the State : Mr. Mohammad Sufyan, APP
For the Informant : Mr. Anil Kumar Singh, Advocate
Mr. Dinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-01-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the informant.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Khusrupur

P.S. Case No.1 of 2024 registered under Sections 341, 448,

324, 323, 307 and 504 read with 34 of the Indian Penal

Code.

3. Allegation against petitioners is to assault

informant and others during the occurrence for trivial

neighbourhood dispute, due to which, the nephew of



informant, namely, Suraj Singh received injuries during the occurrence, which is specifically alleged to be caused by this petitioner with intention to cause death.

4. It is submitted by learned counsel appearing for petitioners that admittedly the parties are neighbours and out of trivial issues, the present occurrence took place. It is pointed out that the injury as alleged to be received by injured Suraj Singh, upon medical examination found simple in nature but, was alleged to be caused by sharp object. It is pointed out that the nature of injury is not only the criteria as to constitute *prima facie* the offence under Section 307 of the Indian Penal Code, as there are several factors, which required to be taken into consideration like, nature of weapons, pre and post conduct of accused, the manner of assault, the part of body on which assault was made, etc. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]**.

5. Arguing further, it is submitted that the



occurrence was free fight in nature, where both parties received injuries and for same set of occurrence, the petitioners' side lodged a complaint case, where informant has already granted bail by the learned trial court itself. It is pointed out that both petitioners are men of clean antecedent.

6. Learned APP for the State duly assisted by learned counsel appearing for the informant submitted that the allegation to cause assault is specifically available against these petitioners. In support of his submission, he shows a photograph of injured showing eight stitched wounds to support the submission *qua* magnitude of assault as alleged to be made by these petitioners during the course of occurrence.

7. In view of aforesaid factual submissions and by taking note of fact, as the injury alleged to be caused by these petitioners, upon medical examination, found simple in nature that also not appears repeated, without having any intervening circumstances, negating intention to cause death on its face, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks from today, 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 Judicial Magistrate-1st Class, Patna City, Patna in connection with Khusrupur P.S. Case No.1 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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