

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6608 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- KHANPURA District- Samastipur

LAKSHMI RAI Son of Gango Ray @ Ganga Ray Resident of Village -
Samana, P.S. - Khanpur, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAMTA DEVI W/o Ajit Kumar Rai R/o Village-Samna, P.S-Khanpur,
District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 08-01-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Khanpur P.S. Case No. 31 of 2020 registered for the offences punishable under Sections 307, 323, 34, 341, 379, 447 and 504 of Indian Penal Code.

3. The allegation against petitioner is to assault informant with iron rod during the occurrence causing head injury. It is alleged that assault was made with an intention to cause death.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that present occurrence took place in the background on land dispute and it was a sort of scuffling where both side received injury. It is pointed out that the informant received injury on her head with door gate while she was in exit from her room. It is submitted that allegation was raised as an after thought to aggravate the allegation that assault was made with an iron rod.

5. Arguing further, it is submitted that soon after the occurrence the matter was compromised between the parties by interference with their well wishers. It is submitted that offence is non compoundable in nature but compromise cannot be out rightly rejected. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Naushey Ali and Ors. vs. State of Uttar Pradesh and Anr.*** reported in ***2025 SCC OnLine SC 290.***

6. It is further argued by learned counsel for the petitioner that the alleged assault was single without



having any intervening circumstances which also suggest that petitioner was not under intention to cause death and prayer of anticipatory bail of petitioner was rejected by learned trial court considering only the nature of injury. It is pointed out that the compromise as arrived between the parties was also ignored by the learned trial court. In support of his submission learned counsel also relied upon the legal report of Hon'ble Supreme Court as available through ***Jage Ram & Others vs. State of Haryana*** reported in ***(2015) 11 SCC 366***.

7. Learned APP while opposing the prayer of bail submitted that allegation to cause head injury, which is grievous in nature specifically available against petitioner, but fairly conceded that same is single in number.

8. This matter is pending before this Court for long 4 years, where on first occasion i.e., vide order dated 17.09.2021, considering all such aspects the learned co-ordinate Bench of this Court pleased to pass no coercive order in favor of this petitioner.



9. In view of aforesaid factual and legal submission and by taking note of fact as alleged assault is single and non repeated, coupled with the fact that matter appears compromised between the parties, therefore, considering the guiding legal note of ***Naushey Ali case (supra)***, 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 SDJM, Samastipur /concerned Court, where the case is pending in connection with Khanpur P.S. Case No. 31 of 2020, 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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