

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72902 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- DINARA District- Rohtas

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Santosh Yadav @ Santosh Kumar Yadav S/O Shiv Pariksha Yadav Village -
Bhanas, P.s.- Dinara, District - Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with

Dinara P.S. Case No. 146 of 2024 registered for the offence

under Sections 147, 149, 341, 323, 307, 504, 506 of the

I.P.C. and Section 27 of Arms Act.

3. The petitioner is named in the F.I.R. and is in

custody since 04.03.2025.

4. The allegation against the petitioner is to assault

informant and others during course of occurrence causing

head and bodily injuries, with an intention to cause their

death. It is alleged that the assault was made by using lathi ,

rod, etc., where occurrence alleged to be arising out of local



dispute and differences.

5. Learned counsel appearing on behalf of the petitioner submitted that the occurrence as alleged is free fight in nature where both parties received injuries. It can be safely gathered that the petitioner was not under intention to cause death. It is submitted that regarding same occurrence, police case was also lodged by petitioner's side, registered as Dinara P.S. Case No. 147 of 2024. It is pointed out that the allegation against petitioner is available to assault with lathi on nose which was not repeated. It is submitted that to make out a *prima-facie* case under Section 307 of IPC, several factors are required to be taken into considerations like nature of weapons, manner of assault, the body part where alleged assault was made and further the pre and post conduct of the accused person etc., In this context attention was drawn towards legal report available through ***State of Himachal Pradesh vs. Shamsheer Singh*** reported in ***2025 INSC 503***. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is



completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as occurrence appears *prima-facie* free fight in nature where both parties received injury, coupled with fact the allegation qua assault not appears repeated negating *prima-facie* intention to cause death, accordingly petitioner above named, is directed to be released on bail in connection with Dinara P.S. Case No. 146 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Rohtas at Sasaram /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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