

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78801 of 2025

Arising Out of PS. Case No.-346 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

1. Sonu Kumar @ Geet Sagar Kumar, S/o Vinod Singh @ Lahar Singh
2. Rishikesh Kumar @ Rishikesh Kumar Singh, S/o Pramod Singh
Both are resident of Village-Kapasiya Ward No.13, P.S.-Town, Dist.-
Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-02-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and

apprehending their arrest in connection with Town P.S. Case

No.346 of 2020 registered under Sections 341, 323 and 307

read with 34 of the Indian Penal Code.

3. As per FIR, the informant has raised suspicion

against petitioners on the basis of claim of petitioner

themselves that he assaulted badly to his son and thrown him

in a drain.

4. It is submitted by learned counsel appearing for

petitioners that the petitioners have been implicated with



present case due to neighbourhood disputes and differences. It is submitted that during investigation, the statement of injured Jitendra Kumar was recorded and in this connection, the attention has been drawn towards para-82 of the case diary, where he stated that these petitioners along with one Molu Kumar assaulted him. It is pointed out that the allegation *qua* physical assault is appearing very much general and omnibus against petitioners and if it is believed that injured was badly assaulted by three persons then certainly, multiple injuries must be found upon injured but, upon medical examination, only the fracture on nose was found upon, which was categorized as grievous injury.

5. Arguing further, it is submitted by learned counsel that the petitioners were not alleged to be equipped with any arms while assaulting the injured, which also creates a doubt that these petitioners were under intention to cause death of the injured. In this context, it is submitted that to make out a *prima facie* case under Section 307 of the IPC, several factors are required to be taken into consideration like, nature of weapons, the manner of assault, the body parts



where assault was made and pre and post conduct of the accused persons and in support of submission, learned counsel has relied upon legal reports of Hon'ble Supreme Court as available through **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]** and through **State of Himachal Pradesh vs. Sham Sher Singh [2025 SCC OnLine SC 807]**.

6. Explaining criminal antecedent, it is submitted by learned counsel that petitioner no. 1 found involved in two different nature of cases related with Excise and petitioner no.2 found involved in one more criminal case of NDPS Act, where both petitioner are on bail.

7. Learned APP opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of fact as the injured through his statement not appears to be alleged against these petitioners to be equipped with any arms, where the allegation of physical assault is appearing very much general and omnibus against the petitioners, accordingly, both petitioners, above-named, are directed to be released on bail, in the event of their arrest or



surrender in the court below within a period of four weeks, 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 Chief Judicial Magistrate, Begusarai
in connection with Town P.S. Case No.346 of 2020, subject to
the conditions as laid down under Section 438(2) of the
CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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