

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63980 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- BARHIYA District- Lakhisarai

Rakesh Kumar @ Shukla Son of Pradeep Verma Resident of village -
Barahiya, Ward No.- 03, Nauwa Toli, P.S.- Barahiya, District - Lakhisarai
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

Appearance :
For the Petitioner/s : Mr.Om Prakash Maharaj, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Barahiya

P.S. Case No. 181 of 2024 registered for the offences under

Sections 126(2), 115, 118(1), 109, 352 and 3(5) of the

Bhartiya Nyay Sanghita, 2023 (in short the "B.N.S. 2023").

3. The petitioner is named in the First Information

Report and is in custody since 20.07.2024.

4. Allegation against the petitioner is to assault the

informant alongwith other co-accused persons, where knife

injury was inflicted upon the injured/informant by this

petitioner, having knowledge that same may likely to cause

death.



5. It is submitted by learned counsel appearing on behalf of the petitioner that during the course of occurrence the alleged knife injury, which was caused by petitioner, was found upon thigh of the injured/informant, which is a non-vital part of the body. It is submitted that moreover, the nature of said inflicted knife injury, as alleged to be caused by this petitioner, upon medical examination, found simple in nature. It is further submitted that by considering the parts of body where injury was inflicted as same is non-vital part of the injured/informant and also nature of injury, as alleged to be caused by this petitioner, in totality, is not sufficient to suggest that petitioner was under intention to cause death of the injured/informant. It is submitted that nature of allegation is not sufficient to constitute a *prima-facie* case under Section 109 of the B.N.S. 2023. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. In view of aforesaid factual submissions and by



taking note of fact as injury, as alleged to be caused by this petitioner, is simple in nature, which also appears to be inflicted upon non-vital part of the body of the injured/informant, which are not collectively sufficient to suggest that petitioner was under intention to cause death of the injured/informant, coupled with the fact that petitioner is in custody since 20.07.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned court, in connection with Barahiya P.S. Case No. 181 of 2024, subject to the condition as laid down under Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita, 2023 (in short “B.N.S.S. 2023”).

(Chandra Shekhar Jha, J)

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