

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5918 of 2025

Arising Out of PS. Case No.-868 Year-2024 Thana- ARA NAWADA District- Bhojpur

Priyanshu Pathak @ Priyanshu Kumar Pathak S/o Mani Bhushan Pathak R/o
vill - Kishunpura, Thana- Digha, Distt.- Bhojpur Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard the parties.

2. The petitioner is named in the FIR petition and apprehending his arrest in connection with Ara Nawada P.S. Case No. 868 of 2024 registered for the offences punishable under Sections 109, 292, 3(5) of BNS and 27 Arms Act.

3. The allegation against petitioner is to assault the informant along with co-accused persons by using butt of pistol on his head. It is further alleged that firing was also made upon informant but same could not hit him.

4. It is submitted by learned counsel appearing on behalf of the petitioner that had have intention to cause death of the injured, petitioner was not to assault by using the butt of pistol on the head of injured. It is submitted that the empty



cartridges which alleged to be recovered from the place of occurrence was out of celebratory firing, where the alleged occurrence said to be taken place during a marriage occasion as it appears from the face of the FIR itself. It is submitted that for same date of occurrence mother of petitioner lodged complaint case against informant which has been registered as complaint case no. 2006(c) of 2024 before learned CJM, Bhojpur at Ara. Taking reference from the impugned order itself it is pointed out by learned counsel that the nature of injury which alleged to be caused by this petitioner on the head of the informant found simple in nature, whereas the injuries found on leg was grievous in nature but cannot alleged to be caused by this petitioner. While concluding arguments, it is submitted that above named petitioner is a man of clean antecedent.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid facts and submission and by taking note of fact as despite of having pistol in hand the petitioner assaulted informant by using its butt, where nature of injury appears simple prima-facie negating intention to



cause death of the informant and also the injury as alleged to be caused was not sufficient to cause death of the informant/injured in ordinary course of nature, accordingly 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 C.J.M., Ara/concerned Court, where the case is pending in connection with Ara Nawada P.S. Case No. 868 of 2024, 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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