

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8397 of 2025

Arising Out of PS. Case No.-473 Year-2024 Thana- GHOSI District- Jehanabad

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Lallu Kumar @ Lalu Kumar S/O Naresh Prasad R/O- Vill- Korthu, P.S-
Telhara, Distt- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Ghoshi (Okari O.P.) P.S. Case No. 473 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 305, 3(5) of BNS, 2023 and Section 27 of Arms Act, 1959.

3. The allegation against petitioner is to assault the injured/informant by using the butt of the pistol, causing head and bodily injury, where occurrence alleged to be arising out of road rage issues.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that from the narration of the FIR, it can be gathered safely that petitioner was not under intention to cause death of the informant/injured for the reasons that having pistol and deadly fire-arms weapon in hand assault was made by its butt. It was submitted that even the injury as alleged to be caused by this petitioner by using butt of the pistol was found simple in nature, which cannot be said sufficient to cause death in ordinary course of nature. It is submitted that to make-out a case, nature of weapons, manner of assault, activities/behavior of accused during the occurrence and after the occurrence etc. collectively required to make out a case under Section 109 of the B.N.S. as to collect intention to cause death. In support of his submission, learned counsel for the petitioner relied upon legal report of Hon'ble Supreme Court as available through **Jage Ram & Others vs. State of Haryana** reported in **(2015) 11 SCC 366**. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.



5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact that as assault admittedly caused by using the butt of the pistol, where nature of injury appears simple, 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 CJM., Jehanabad/concerned Court, where the case is pending in connection with Ghoshi (Okari O.P.) P.S. Case No. 473 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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