

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24784 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- JAKKANPUR District- Patna

Raushan Kumar @ Chhotu Rumali S/o Nawal Kishore Prasad R/o Village-
Chiradiyatand, Gali No.1, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Advocate
For the State	:	Mr. Md. Aslam Ansari, A.P.P.
For the Informant	:	Mr. Satish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-05-2025 Heard learned counsel for the petitioner and learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jakkanpur P.S. Case No. 49 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the BNSS, 2023.

3. As per prosecution case, petitioner and other are said to have assaulted the informant with an intention to kill him by means of butt of pistol as a result of which he sustained head injury.

4. Learned counsel for the petitioner submits that the peculiar situation in the present case is that the occurrence took place on 17.01.2025, the fardebayan was recorded on



19.01.2025, FIR was registered on 23.01.2025 and it reaches to the Court on 27.01.2025 and at every interval there is wider gap which has not been explained properly. He further submits that the occurrence took place on 17.01.2025 but the injury report of the informant has not been produced by the prosecution side despite all the reasonable efforts have been taken by the learned trial court. In this way, the injury is merely an ornamental story of prosecution. He further submits that there is no specific allegation of assault against the petitioner who is said to have assaulted the informant. He further submits that the injury report of informant has also been produced which shows that the informant got treated at P.H.C. Hospital, Gardiner road under PMCH and the same does not indicate that the informant has sustained any injury. In this way, the authenticity of prosecution story has become doubtful. Hence, the petitioner is entitled for anticipatory bail. He further submit through Paragraph 3 of the instant bail petition that petitioner bears no criminal antecedent despite one case has been lodged by the same party subsequently after the occurrence of the present case which is bailable in nature. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.



5. The learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner on the ground of injury sustained by the informant but the injury report of injured has not been produced before the trial court within reasonable time.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VIII, Patna in connection with Jakkanpur P.S. Case No. 49 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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