

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29675 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- RANIYATALAB District- Patna

Vikash Thakur @ Vikash Kumar S/o Naresh Thakur R/o Village-
Saidabad, P.S- Rani Talab (Kanpa), Distt.- Patna, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-10-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Rani Talab P.S. Case No. 30 of 2025 registered for the offences under Sections 109(1), 76, 303(2), 352, 351(2), 351(3) and 3/5 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The accused/petitioner is named in the First Information Report and is in custody since 24.01.2025.

4. Allegation against the petitioner is to assault the husband of the informant by using iron rod causing head injury, which was alleged to made with intention to cause death. The



occurrence alleged to be arising out of neighborhood dispute and differences.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the occurrence was free fight in nature and in support of his submission learned counsel referred the statement of one Sanjay Kumar Gupta recorded under section 180 of the B.N.S.S., where he stated categorically that under the influence of liquor, both parties assaulted each other by using lathi, rod etc. It is also submitted by learned counsel that injury, as received by the husband of the informant upon medical examination, was found simple in nature.

6. It is pointed out that in view of nature of occurrence and also by taking note of injury report, it can be gathered safely that petitioner was not under intention to cause death of injured husband of the informant. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Jage Ram and Others Vs. State of Haryana**



reported in (2015) 11 SCC 366.

7. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover, investigation of this case is already completed, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, conceded fairly that on the basis of radiological examination the nature of injury found upon the injured was simple in nature which found to be caused by hard and blunt object.

9. In view of aforesaid factual and legal submission and by taking note of the fact as nature of injury, as alleged to be received by husband of the informant, was simple in nature, furthermore, the nature of occurrence *prima facie* appears free-fight in nature, coupled with the fact that investigation of this case is already completed, where petitioner remains in judicial custody since



24.01.2025, 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 Judicial Magistrate - 1st Class, Danapur, District - Patna/concerned court, in connection with Rani Talab P.S. Case No. 30 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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