

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31689 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- DIGHA District- Patna

Roshan Kumar @ Raushan Kumar Son of Late Kaushal Rai @ Kaushal Roy
Resident of Pathar Gali, Patipul, Police Station - Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Raj, Advocate Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s :		Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection with Digha P.S. Case No. 186/2025 lodged on 19.03.2025, for the offences punishable under sections 191(2), 190, 126(2), 115(2), 109, 324(4), 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against nine named accused persons and 5–6 unknown individuals, including the petitioner. It is alleged in the F.I.R. that all the accused persons, including the petitioner, surrounded the informant and his associates, and thereafter abused and assaulted them. It is specifically alleged that co-accused Manish



Kumar assaulted the informant on the head with an iron rod with an intention to kill, whereas the petitioner is alleged to have assaulted the informant's cousin on the head with a danda. The accused persons also caused damage to the informant's motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Although the petitioner is an accused in one more criminal case, he has already been granted bail in that matter. Learned counsel further submits that all the offences mentioned in the present F.I.R. are bailable in nature, except for the offence under Section 109 of the Bharatiya Nyaya Sanhita, 2023. He contends that while Section 109 of the BNS requires the existence of an intention to kill as an essential ingredient, but no such allegation is reflected in the contents of the F.I.R. Accordingly, the necessary ingredients of Section 109 BNS are absent in the present case. Hence, the petitioner deserves to be enlarged on bail.

5. Learned APP for the State opposes the prayer for bail but fairly submits that the ingredients of Section 109 of the BNS appear to be lacking in the present case.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender



before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned ACJM-IX, Patna, in connection with Digha P.S. Case No. 186/2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

