

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35859 of 2025

Arising Out of PS. Case No.-479 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Mahendra Ram, Son of Late Jokhan Ram R/O Vill- Baijla, P.S.- Sasaram (M),
District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tiwari Shwetketu, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2025 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Sasaram (M) P.S. Case No. 479 of 2024 dated 16.11.2024
registered for the offence(s) punishable under Section(s) 127(1),
115(2), 352, 351(2), 303(2), 117(2)/3(5) of B.N.S.

3. The main submissions advanced by the learned
counsel for the petitioner are that the FIR has been registered
under Sections 127(1), 115(2), 352, 351(2), 303(2), 117(2)/3(5)
of B.N.S. out of these offences only the offences punishable
under Section 303(2) and 117(2) are non-bailable offences but
these offences do not attract against this petitioner in view of the
prosecution's story narrated in the FIR as the allegation
concerned to the theft punishable under Section 303(2) of
B.N.S. is specific against co-accused and so far as the offence



punishable under Section 117(2)/3(5) is concerned, the same is not attracted even *prima facie*, in view of the nature of allegation as the petitioner is simply alleged to have inflicted only one rod blow at the head of the informant and the Doctor concerned did not find any fracture to the head portion of the informant and order impugned clearly goes to show that only one injury in the size of 1.5 cm x 1.5 cm bone deep was found on the head of the informant and in view of the definition of grievous hurt mentioned in Section 116 of B.N.S., 2023 the said injury does not fall under any of the enumerated categories mentioned in this section and it does not come in the purview of endangering the life to the informant. It is further submitted that the petitioner has fair and clean antecedent and there is no allegation of inflicting iron rod blows repeatedly on the vital part of the informant and there is allegation of single blow by the said weapon on the informant by this petitioner, which shows that there was no intention on the part of the petitioner to cause any serious injury to the informant. It is lastly submitted that other co-accused persons have been granted the relief of anticipatory bail by the trial court and the alleged occurrence is not said to have been committed in a pre-planned manner and the same took place on account of trivial issue and both the



parties are neighbours.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by the petitioner's counsel and mainly the petitioner's fair and clean antecedent and also the fact that the FIR does not show the repeated blow by this petitioner on the vital part of the body of the informant who has not sustained any fracture to the vital part of his body and also taking into account the genesis of the occurrence, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Sasaram (M) P.S. Case No. 479 of 2024 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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