

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35139 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- GORADIH District- Bhagalpur

Wikesh Kumar @ Vikesh Kumar Son of Bhumeshwar Mandal @
Bhumeshwar Prasad Singh Resident of Village - Birnoudh, P.S.- Goradih,
District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Goradih P.S. Case No. 110 of 2024 lodged on 26.08.2024,
for the offence punishable under Sections 126(2), 115(2), 109,
303(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against
5 named accused persons including the present petitioner. It has
been alleged in the FIR that when the informant's son was
grazing goat near his house, then petitioner came and started
assaulting him with fists and slaps. Thereafter, petitioner along
with other accused persons armed with *lathi danda*, surrounded
the informant and abused and assaulted him. It is further alleged



that the petitioner assaulted the informant by *kudal* on his head due to which he became unconscious and fell down. The accused persons also assaulted the other members of informant's side.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the FIR has been lodged with delay and the said FIR has been registered under application of the informant, without his name/signature and without mention of date. Counsel further submits that the petitioner has no criminal antecedent. Counsel submits that for the said date and place of occurrence, *fardbayan* has also been lodged, but on the basis of which, case has not been lodged which he has annexed as Annexure-P/2. Counsel also raised objection that in the *fardbayan*, informant has not put his signature and as such, the present case ought not to continue according to section 173 of the B.N.S.S.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. It transpires to this Court that in the FIR, the informant has neither signed nor affixed his thumb impression, and yet the case has been lodged. On this point that it is a



defective FIR, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of J.M. 1st Class, Civil Judge (Jr. Division), Bhagalpur, in connection with Goradih P.S. Case No. 110 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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