

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36431 of 2025

Arising Out of PS. Case No.-551 Year-2024 Thana- MADANPUR District- Aurangabad

Rishikesh Kumar Son of Basukinath Singh Resident of village - Kathari, Var,
P.S.- Madanpur, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard Learned Counsel for the petitioner, Learned
Counsel for the Informant and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Madanpur P.S. Case No. 551 of 2024, lodged on 27.12.2024, under Sections 126(2) /115(2) / 74/76/109/303(2)/324(4)/324(5)/3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against four named and one unknown accused persons including the present petitioner alleging that they all reached at the shop of the informant in the state of intoxication and tried to outrage the



modesty. On oppose, allegation against the petitioner that he has assaulted on the informant by iron rod, due to which injury has been caused. Subsequent allegation is against other accused persons that he has assaulted by *Batkhara* (weight) on the head of the informant and his father, due to which father of the informant sustained grievous injury and during treatment in the hospital died after filing of the FIR. It is also mentioned that when father of the informant was admitted to hospital then all the five accused persons repeatedly threatening to the informant's family.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the injury alleged to have been caused by iron rod against the petitioner. Counsel submits that there are four injuries found on the head of the deceased. Counsel further submits that on the date of filing of the FIR, the case was lodged under Section 109 of the Bhartiya Nyay Sanhita, 2023, but subsequently converted into 103 of the Bhartiya Nyay Sanhita, 2023. Counsel also submits that charge sheet has already been submitted and petitioner is in custody since 25.01.2025 having clean antecedent.

5. Learned Counsel for the informant vehemently



opposes the prayer for bail and submits that from the content of the FIR it becomes crystal clear that there is specific allegation against the petitioner to assault the deceased. Counsel submits that Annexure-2 is the post mortem report, in which the death has been caused due to the injury caused on the head. He also submits that in the post mortem report, the external injury on the body of the deceased has been found, which is found on the head and said injury had been caused by the petitioner. He submits that the allegation made in the FIR has been supported by the post mortem report.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that allegation made in the FIR has been supported by the post mortem report.

7. In the facts and circumstances that the injury alleged to have been caused on the head and from the post mortem report it transpires that death has been caused due to injury caused on the head, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby refused.

(Dr. Anshuman, J)

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