

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.66050 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- JAGDISHPUR District- Bhojpur

Rabi Shankar Kumar son of Birendra Singh Resident Of Village- Semariyan,
Sanaya Ps- Jagdishpur, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 19-09-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Jagdishpur P.S. Case no.168 of 2025 registered under
sections 115(2), 126(2), 109 and 3(5) of the B.N.S, 2023.

3. The allegations in the F.I.R. is that in a game of
cricket, a scuffle took place between the young boys on account
of which the petitioner had assaulted the informant's grandson
Anish Kumar by means of bat due to which he sustained serious
injuries on ear and head.

4. Learned counsel for the petitioner submits that a
bare perusal of the F.I.R would indicate that the occurrence took
place in a game of cricket between young boys and there was no
premeditation or intention to cause death or cause any serious
injury to him. This fact is evident from the circumstances that
upon a verbal altercation a bat has been used by the petitioner to
assault the informant's grandson, however, there is no repetition
of blow by him. It is further submitted that the injury report



which has been annexed as Annexure-P/2 to the petition indicates a head injury and the opinion has been reserved with regard to the same. Thus, it is submitted that no offence under Section 109 of the B.N.S would be made out in the facts and circumstances of the case. The petitioner is a young boy of 21 years, pursuing his studies and has no criminal antecedent. He undertakes to co-operate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the injured has received serious injuries and the present petitioner is the author of the said injury.

6. Having heard learned counsel for the parties and taking into consideration that the allegations do not reveal any intention or premeditation on the part of the petitioner to commit the offence under Section 109 of the B.N.S as the dispute has taken place between the young boys in a game of cricket. No doubt, the act of the petitioner has caused injury to the injured but there is no repetition of any blow. In case, the petitioner, who is himself a student having no criminal antecedent, is sent behind the bars, the same may also have a greater adverse impact on the petitioner's character, making him come into contact with other hardened criminals.

7. Taking into consideration the aforesaid facts, this



Court is of the view that the present incident has taken place in a fit of rage and it is a misplaced display of youthful indiscretion being totally unthoughtful of the consequences. Considering the above, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Jagdishpur P.S. Case no.168 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-1st Class, Bhojpur at Ara, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the father of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer as and when required till investigation is concluded against him and in case of non-cooperation, the prosecution would be at liberty to get his bail bonds cancelled.

(Soni Shrivastava, J)

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