

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68945 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- KIUL District- Lakhisarai

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Lutan Yadav @ Latun Yadav @ Lotan Yadav @ Lutan Kumar S/o Garib
Yadav R/o Village - Goddih Ward no. 01, Gurdih, P. S. - Kiul, District -
Lakhisarai, alleged to R/o - Birndawan, P.S - Kiul, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kiul P.S. Case No. 50 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 303(2), 352, 351(2), 74, 3(5) of BNS.

3. As per prosecution case, petitioner is said to have assaulted the informant's brother by pressing his neck and when informant came to rescue, she was assaulted by the petitioner by means of iron rod as a result of which informant sustained injury on her head.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is delay of three days in lodging the FIR as the alleged occurrence took place on 15.06.2025 and the FIR has been lodged on 18.06.2025 and no plausible explanation has been given regarding the said delay. He further submits that although petitioner is said to have assaulted the informant by means of iron rod upon her head but injury sustained by the informant is simple in nature, as mentioned in Annexure-2 to the bail petition. He further submits that there is no allegation of repetition of blow against the petitioner and hence, no offence under Section 109 of BNS is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation of assault against the petitioner and same is supported by the injury report and hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, there is no allegation of repetition of blow against the petitioner, injury sustained by the informant is simple in nature, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 50 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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