

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40161 of 2026**

Arising Out of PS. Case No.-37 Year-2025 Thana- GHOSI District- Jehanabad

Naulesh Kumar S/O Sejay Das @ Sanjay Das Resident of Village-  
Chaitipipar, P.S. Ghoshi, District Jehanabad

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Satish Chandra, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      23-06-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Ghoshi P.S. Case No. 37 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 333, 126(2), 190, 115(2), 109, 303(2), 352, 351(2), 351(3) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and subsequently section 103(2) of the B.N.S. was added.

3. The allegation against the petitioner is to assault the son of the informant alongwith other co-accused persons causing head and bodily injury, which alleged to made with intention to cause death. The occurrence alleged to be



arising out of trivial neighbourhood dispute like tying of cow with peg, which was worshiped with red vermilion.

4. Learned counsel appearing on behalf of the petitioner submitted that prayer of anticipatory bail of the petitioner was rejected by the learned trial court only for the reason that he assaulted on the head of son of the informant ignoring the fact that occurrence was free-fight in nature, where both parties received injury, for which petitioner had also lodged a case, which was registered as Ghoshi P.S. Case No. 38/2025 (Annexure '2').

5. It is submitted that the allegation of assault is also not appearing repeated and, moreover, nature of injury, upon medical examination, was found simple in nature. In this connection, it is further submitted that FIR nowhere suggest that by using which weapon, the assault, as alleged, was made on the head of son of the informant by petitioner.

6. It is pointed out that assault on "vital part" is not the only criteria to make out a case for offence punishable under section 109 of the B.N.S., rather several factors are required to be taken into consideration, as nature of weapon, nature of injury, manner of assault, body parts



where assault was made, pre and post conduct of the accused etc. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsher Singh** reported in **2025 SCC OnLine SC 807**.

7. While concluding argument, learned counsel submitted that petitioner is a man of clean antecedent.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. In view of the aforesaid factual submissions and by taking note of the fact as the occurrence primarily appears free-fight in nature, where injury as alleged to be caused by the petitioner *prima facie* not appears repeated, where nature of injury, upon medical examination, found simple, *prima facie* negating intention to cause death, accordingly, above-named petitioner, who is a man of clean antecedent, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Jehanabad/concerned court in connection with Ghoshi P.S.  
Case No. 37 of 2025, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C/Section 482(2) of the  
Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

**(Chandra Shekhar Jha, J)**

Rajeev/-

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