

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45236 of 2026

Arising Out of PS. Case No.-546 Year-2025 Thana- HARNAUT District- Nalanda

Rahul Kumar S/o Bhola Yadav R/o Village- Charan, Police station- Harnaut,
District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Adv.
For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Harnaut P.S. Case No.546 of 2025 registered under Sections 126(2), 115(2), 109, 303, 352, 351(4), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

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



arising out of previous enmities.

4. It is submitted by learned counsel for the petitioner that the allegation of assault is specifically available against Nitish Kumar and Bhola Yadav. It is submitted that petitioner was specifically alleged to equipped with pistol and assaulted the son of informant during the occurrence by using its butt, which itself is sufficient to suggest that he was not under intention to cause death of the son of the informant as having all opportunity to cause gun shot injury, he chose to assault by using butt of the pistol. It is also submitted that the nature of injury as caused upon son of the informant by accused persons including petitioner, upon medical examination, found simple in nature. While explaining criminal antecedent, it is found that petitioner found involved in two more criminal cases, where one case is of same nature, whereas in both cases, he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as petitioner alleged to assault by using



butt of pistol having all opportunity to cause fire arm injury prima facie negating his intention to cause death coupled with the fact that the injury as caused upon son of the informant, upon medical examination, found simple in nature, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate- I, Nalanda at Biharsharif, in connection with Harnaut P.S. Case No.546 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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