

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75748 of 2023

Arising Out of PS. Case No.-358 Year-2021 Thana- RAFIGANJ District- Aurangabad

Nand Kishore Yadav, Son of Bishundeo Yadav, R/o Village-Labhari, P.S.-
Rafiganj, Dist.- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-01-2026 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 Rafiganj P.S. Case No.358 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

3. Allegation against petitioner is to assault one Devendra Kumar Singh during the course of occurrence by using *gandasa* causing head injury. It is further alleged that assault was made with intention to cause death.

4. It is submitted by learned counsel appearing for the petitioner that the allegation of assault is available against 13 named accused persons during the occurrence, which took



place in the background of neighbourhood disputes and differences. It is pointed out that as per FIR, the allegation is of only single assault against petitioner though conceded that same was made on head but, upon medical examination, the nature of injury was found simple, suggesting *prima facie* that same was not made with intention to cause death. It is submitted that to gather the “intention to cause death”, several factors be taken into consideration like, the nature of weapons, the part of the body where assault was made, the nature of injury, the pre and post conduct of petitioner *qua* occurrence but, merely considering the fact that alleged assault was caused on head i.e. the vital part, the anticipatory bail of petitioner was rejected. It is submitted that other co-accused was granted bail by trial court itself. Learned counsel relied upon legal report of **Jage Ram & Ors. vs. State of Haryana** as reported in **(2015) 11 SCC 366**.

5. Learned APP while opposing the prayer of bail submitted that the assault was made on vital part of the body but, fairly conceded that it was single and the injury upon medical examination was found simple in nature.



6. In view of aforesaid factual submissions and by taking note of fact as alleged assault caused by petitioner not appears repeated and the nature of injury upon medical examination, found simple, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail 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 Incharge Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No.358 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

