

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88207 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- MASHRAK District- Saran

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Jitendra Rai S/o Baleshwar Rai Resident of village - Padmauli, P.S-
Mashrakh, District - Saran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Nath Ojha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115, 118(1), 117, 109, 352, 351(2)(3) & 3(5) of the B.N.S.

3. The allegation in the First Information Report is that all the accused persons including the present petitioner came variously armed and assaulted the informant and her husband causing injuries.

4. The learned counsel for the petitioner submits that it would be apparent from the First Information Report itself that it was accused Sunil Rai, who assaulted the informant on her head and further other accused persons also assaulted her by means of iron rod. So far as the present petitioner is concerned,



there is allegation against him of assaulting the informant's husband on hand causing grievous injury to him but the fact remains that it is on non-vital part of the body and the same was caused by hard and blunt object, as such, there can be no intention to cause death of the deceased, thus the offence under Section 109 of B.N.S. does not get attracted in the facts of the case.

5. Learned APP for the State opposed the prayer for bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that the petitioner is said to have caused injury on the non-vital part of the informant's husband and it is not indicated what was the weapon that was used and also considering non-application of Section 109 of the B.N.S., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/successor Court in connection with Mashrakh P.S. Case No. 105 of 2025, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C/
Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita
(BNSS), 2023.

7. However, the petitioner shall co-operate with the
investigation, if not already concluded and make himself
available and when so required, failing which the prosecution
will be at liberty to move cancellation of his bail bond.

(Soni Shrivastava, J)

anand/-

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