

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91163 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- ASHTHAWAN District- Nalanda

Prakash Kumar @ Omprakash Kumar @ Omprakash S/O Karu Yadav @
Krishndev Prasad R/O Village- Kaila, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 115(2), 117(2), 118(1), 109(1), 303(2) and 3(5) of B.N.S.

3. The case of the prosecution is that the petitioner along with others assaulted with iron rod to the informant while he was going on his bike due to which, he fell down and his hand was fractured and he sustained head injury as well. After that, Chunchun and Robin assaulted him with the butt of the pistol and took away Rs. 30,000/-

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



counsel for the petitioner has submitted that from perusal of the FIR, it is clear that the nature of allegation is general and omnibus and the specific allegation of assaulting is against Chunchun and Robin not against this petitioner. From perusal of the injury report, it transpires that injury no. 1- injury to left forearm is grievous in nature. There is fracture of shaft of both radius and ulna of left forearm which comes attracts section 325 of IPC corresponding to Section 117(2) of B.N.S. which is bailable in nature. Learned counsel for the petitioner has submitted that actually it is a case of accident and petitioner and others have been framed in this case due to enmity. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 12.10.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Asthawan P.S. Case No. 315 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate-1st Class,
Biharsharif.

(Ashok Kumar Pandey, J)

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