

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
**A.B.A. No.2337 of 2025**

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1.Subhan Kotwar, S/o Bigla Kotwar, R/o village Malgo, PO and PS Bharno, District Gumla, Jharkhand

2.Taberun Bibi @ Taberun Khatoon, S/o Subhan Kotwar, R/o village Malgo, PO and PS Bharno, District Gumla, Jharkhand

... .. **Petitioner(s)**

Versus

The State of Jharkhand.

... .. **Opposite Party(s)**

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**CORAM : SRI ANANDA SEN, J.**

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For the Petitioner(s) : Mr. Kripa Shankar Nanda, Advocate.

For the State : Mr. Praful Jojo, A.P.P.

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**03/ 08.07.2025**

Heard the parties.

**2.** This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioners apprehending their arrest for offences registered under Sections 126(2), 115(2), 118(1), 109, 333, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 pending in the court of Judicial Magistrate, 1<sup>st</sup> Class, Gumla in connection with Bharno PS Case No. 04 of 2025.

**3.** Learned counsel for the petitioners submits that there was a case and counter case as the children of both the parties were playing and some altercation had taken place. He submits that even from the injury report it is quite clear that section 109 of BNS cannot be attracted in this case.

**4.** Learned A.P.P. representing the State opposes the prayer for anticipatory bail and submits that admittedly there was assault by these petitioners and the injury report suggest that the wounds are simple in nature.

**5.** After hearing the parties, I find that there is an allegation against the petitioners that they have assaulted the informant but from the injury report of the victim, I find that the doctor has opined that the wound is simple in nature and the CT Scan does not show any abnormality in the brain and there is no

evidence of subdural external or depressed fracture. The victim was complaining of severe headache and abdominal pain. Prima facie this injury report suggests that the case cannot be under section 109 of BNS.

**6.** Further from the injury report there is nothing to suggests that dagger or other dangerous weapon is used. Thus section 118 of BNS prima facie cannot be attracted in this case so far as this petitioners are concerned.

**7.** So far as other offences are concerned, if the petitioners appears before the court concerned, the court concerned will consider the gravity of the overt act of these petitioners thereafter pass an order.

**8.** Accordingly, this Anticipatory Bail Application stands **disposed of.**

**(ANANDA SEN, J.)**