

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3223 of 2025

Prawesh Kumar Mahto @ Prawesh Kumar, son of Durga Charan Mahto @ Durga Mahto, resident of village Hematpur, P.O Sosokala, P.S. Gola, District-Ramgarh, Jharkhand.

..... Petitioner(s).

Versus

The State of Jharkhand

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... Opp. Party(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Sunil Kr. Mhato, Advocate.
For the State : Mr. Rakesh Ranjan, A.P.P.

03/10.07.2025: This anticipatory bail application under Section(s) 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending his arrest for the offences registered under Section(s) 109(1), 115(2), 117(2) and 3(5) of BNS, 2023, in connection with Gola P.S. Case No. 14/2025, pending in the Court of learned Judicial Magistrate, 1st Class, Ramgarh.

Heard the parties at length and had gone through the documents, annexed along with this application.

It is alleged that the husband of the informant was assaulted by this petitioner.

Learned counsel for the petitioner submits that there is no application of Section 109 of BNS, 2023 as there is report of RIMS, Ranchi, wherein, the Doctor found that there is no obvious external injury. Though, it has been mentioned that the nature of the injury is grievous and there is small multiple haemorrhage, which is reflected in C.T. Scan's report.

Learned A.P.P after going through the medical report admits that the Doctor had opined that no obvious external injury was observed, but as per the C.T. Scan, there is small multiple haemorrhage.

After going through the FIR, I find that there is allegation that this petitioner has assaulted the informant's husband, as a result of which, he sustained injury. Admittedly, from the FIR, I find that there is no reference of any weapon even stick which can be said to have been used in the said assault. Thus, *prima faice*, I am of the opinion that Section 109 BNS cannot be attracted in this case and the other offences are bailable in nature.

In that view, the petitioner is directed to surrender before the Trial Court and seek regular bail which shall be considered by the Court concerned after taking into consideration the aforesaid observation given by this Court.

Accordingly, this application stands **disposed of**.