

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19991 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- GURUA District- Gaya

1. Raj Kamal Kumar Son of Sri Kamlesh Das Resident of Village -Nadiyawan PS- Gurua, Dist- Gaya
2. Nil Kamal Kumar son of Sri Kamlesh Das Resident of Village -Nadiyawan PS- Gurua, Dist- Gaya
3. Amit Kumar Son of Sri Udesb Das @ Umesh Das Resident of Village -Nadiyawan PS- Gurua, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr.Md. Javed Jafar Khan, Advocate
For the State	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Paras Nath, Advocate Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 23-07-2025 Heard learned senior counsel for the petitioners,

learned APP for the State as well as learned counsel appearing

on behalf of the informant.

2. In the present case, the petitioners seek bail in connection with Gurua P.S. Case No. 393 of 2024 registered for the alleged offences under Sections 191(2), 190, 127(1), 115(2), 118(1), 117(2), 109, 103, 74, 352, 351(2) of B.N.S.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, in the background of serious land dispute, assaulted the informant and



his family members. Petitioner Nil Kamal Kumar gave Farsa blow to the informant on his head. When the brother of the informant, namely, Rameshwar Das tried to save him, petitioners Raj Kamal Kumar and Amit Kumar assaulted him with rod and lathi on his head making him unconscious. Other co-accused persons also assaulted other family members of the informant. The brother of the informant Rameshwar Das succumbed to his injuries during treatment.

4. Learned senior counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and informant side are agnates and prior to lodging of the present case, Gurua P.S. Case No. 385 of 2024 has been lodged by one Rajwanti Devi against some of the members of the informant side. Co-accused Kamlesh Das has also lodged Gurua P.S. Case No. 389 of 2024, dated 26.11.2024 against Ravindra Das and others. Learned senior counsel further submits that due to the land dispute 3 FIRs came to be lodged and the present Gurua P.S. Case No. 393 of 2024 is counter blast of Gurua P.S. Case No. 385 of 2024 and Gurua P.S. Case No. 389 of 2024. Learned senior counsel further submits that altogether 24 persons were involved in the occurrence and the brother of the informant fell down during



such quarrel and sustained head injury and during course of treatment, he died. Moreover, during postmortem doctor has not found any external injury on the deceased who was an old person and the cause of death is stated to be intracerebral hemorrhage and complications. The FIR has been lodged after postmortem which shows possibility of false implication and creates doubt over the prosecution story. The petitioners are in custody since 30.11.2024. The petitioners have got no criminal antecedent and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that in the inquest report of the deceased Rameshwar Das, it has been mentioned that during land dispute the deceased got injured and died during treatment. The postmortem report also shows the deceased received internal injury and there was contusion of right parietotemporal scalp with hematoma and the cause of death stated to be intracerebral hemorrhage and complications.

6. However, learned counsel for the informant concedes that the injury ascribed to petitioner Nil Kamal Kumar is stated to be simple and was caused by hard and blunt



substance.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against petitioner no. 2 Nil Kamal Kumar for causing simple injury and also considering his period of custody and submission of charge sheet, the petitioner no. 2 Nil Kamal Kumar is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati, District - Gaya/concerned Court in connection with Gurua P.S. Case No. 393 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled



by the court concerned.

8. However, considering the nature of allegation against petitioner no. 1 Raj Kamal Kumar and petitioner no. 3 Amit Kumar for assaulting the deceased Rameshwar Das who subsequently died and in view of gravity of offence, I am not inclined to enlarge petitioner nos. 1 and 3 on bail and hence, their prayer for bail is **rejected**.

(Arun Kumar Jha, J)

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