

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33318 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- GOPALPUR District- Gopalganj

Durga Bhagat, S/o Late Thakur Bhagat, R/o Village- Garya khal, P.S.-
Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate Mr. Amit Kumar Mishra, Advocate Mr. Vinit Kumar, Advocate
For the State	:	Mr.Anish Chandra, APP
For the Informant	:	Mr. Adesh Raj, Advocate Mr. Nripendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Gopalpur P.S. Case No. 22 of 2025, registered for the alleged offence under Sections 126 (1), 115 (2), 109 (1), 351(1), 351, 352 and 3(5) of BNS, 2023 and later on Section 103(1) BNS was added.

3. As per prosecution case, in the background of land dispute, the petitioner and other family members assaulted the father of the informant with iron rod causing fracture of his head. The victim fell down. When the informant and his mother tried to save him, they were also brutally assaulted. During



treatment, the father of the informant died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the father of the deceased and admittedly the occurrence took place in the background of land dispute. The petitioner has lodged Gopalpur P.S. Case No. 21/2025 under Sections 126(1), 115(2), 109(1), 351(1), 351, 352, 3 (5) of BNS and later on Section 103(1) of BNS was added as his grandson was assaulted by the informant of the present case and he succumbed to his injuries. Therefore, the petitioner has lost his son as well as one of his grandsons. Since the petitioner is the informant of Gopalpur P.S. Case No. 21/2025, he has been made accused in the present case in retaliation. The learned counsel further submits that the petitioner has been roped in the present case with allegation that he along with co-accused Virendra Bhagat hit the deceased on his head with iron rod, but the allegation is not believable that the father would hit his son and give a fatal blow and independent witness examined during investigation has rather stated that when the sons and grandsons have been fighting with each other, the petitioner intervened to pacify the matter. The learned counsel further submits that allegation of assault on the head of the deceased is against the



petitioner as well as his son, but only one injury has been found on the head. The learned counsel further submits that it is painful and unfortunate that the petitioner has been put in custody with the allegation of killing of his son. The petitioner is in custody since 23.01.2025 and is having clean antecedent. The charge sheet has been submitted.

5. Learned A.P.P. as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that he hit the deceased on his head with iron rod and post mortem report shows the death has been caused due to ante-mortem head injury.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the relationship of the petitioner with the deceased and further considering the possibility of false accusation and further considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner is directed to be released on bail 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, Gopalganj/court concerned, in



connection with Gopalpur P.S. Case No. 22 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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