

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33708 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Om Prakash Singh @ Om Prakash S/o Late Binod Singh @ Rambinod Singh Resident of village- Pakahi, Jhajhra, P.S.- Kusheshwar Asthan, Dist-Darbhanga
 2. Nityanand Singh @ Bauwa Bhai S/o Tez Narayan Singh @ Late Tezan Sing R/o vill - Pakahi, ward no. 9, P.S.- Kusheshwar Asthan, Distt.- Darbhanga
 3. Ajay Singh S/o Baidyanath Singh R/o vill - Pakahi, Jhajhra, P.S.- Kusheshwar Asthan, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioners in connection with Kusheshwar Asthan P.S. Case
no.26 of 2025 registered under sections 126(2), 115(2), 103,
352, 351(2) and 3(5) of the B.N.S, 2023.

3. The allegation in the F.I.R is that while the
informant was returning along with grand daughter, a fight took
place near the shop of one Santosh Nayak. When the informant
intervened to save her son, accused Om Prakash along with
others including the petitioners herein, abused and assaulted the



informant with *lathi* and *danda*. It is further alleged that one fist blow hit her grand daughter's face who was in lap of the informant and when she was taken to hospital she was declared dead.

4. Learned counsel for the petitioner submits that the present F.I.R has been lodged at the instance of Ram Dayal Yadav and Ajit Yadav and is the counterblast to Kusheshwar Asthan P.S. Case no.25 of 2025 (Annexure-2) lodged by the petitioner no. 2 against the said persons. It is further submitted that a fight had taken place between the informant's son Ram Rai and the petitioners. In the meantime, the informant had come with her 1 and ½ years old grand daughter who was in her arms and during the pushing and shoving, her grand daughter fell down receiving injuries and subsequently died.

5. On the strength of these facts, learned counsel for the petitioners submits that no intention to kill can be gathered from facts and circumstances of the case and at best it would be an accidental fist blow on the grand daughter of the informant. It has further been submitted that after thorough investigation charge-sheet has been submitted in the case under Section 105 of the B.N.S and other minor Sections of the B.N.S on 06.02.2025. The petitioners have no criminal antecedent and



they are in custody since 06.02.2025. They undertake to cooperate in the case/trial.

6. The application for bail is opposed by learned A.P.P. for the State.

7. Taking into consideration the above mentioned facts of the case, the petitioners are directed to be enlarged on bail in connection with Kusheshwar Asthan P.S. Case no.26 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Biraul, Darbhanga.

(Soni Shrivastava, J)

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