

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39113 of 2025

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

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Santosh Nayak Son of Mahendra Prasad Nayak Resident of village - Pakahi,
P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest 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 (petitioner). When the
informant intervened to save her son, accused Om Prakash
along with others including the petitioner 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 Nityanand against accused persons. It is further submitted that a fight had taken place between the informant's son Ram Rai and accused persons including this petitioner. 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 petitioner 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 against arrested accused persons 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 undertakes to cooperate in the investigation/trial.



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

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering that charge-sheet has been submitted against other accused persons under Section 105 of the B.N.S, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kusheshwar Asthan P.S. Case no.26 of 2025 on 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, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that he would co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the submission of the charge-sheet.

(Soni Shrivastava, J)

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