

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42578 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- Kalibagh District- West Champaran

Mahanth Patel @ Mohan Patel, S/O Late Devsharan @ Late Devsharan Patel,
Resident of Vill- Utarwari Pokhara, Paki Fulwari, Ward No-05, P.S.-
Kalibagh, Bettiah, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Ms. Sitesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kalibagh P.S. Case No. 32 of 2025 registered for the offences punishable under Sections 126(2)/115(2)/103/352/3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is of causing assault to the father of the informant along with other accused persons by means of fists and legs, leading to his death.

4. Learned Advocate for the petitioner submitted that the entire case falls to the ground from bare perusal of the inquest report as well as post-mortem report, wherein there is no mark of any violence has been found. Referring to post-mortem



report, learned Advocate for the petitioner submitted that no external injuries were present on any part of the body and since the cause of death could not be ascertained, therefore, viscera was preserved and sent to Forensic Science Laboratory. It is further submitted that during the course of investigation, the witnesses and even the son of the deceased have stated that on account of a trifle, the accused persons pushed the father of the informant, due to which he fell down and later on died. Even if the allegation taken to be true, there was no intention to cause death of the deceased and, as such, in no circumstances any case under Section 103 of the BNS, 2023 is made out. The petitioner is a man of fair antecedent and that he would ensure his presence even during the course of investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner along with others have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the post-mortem report, as also the statement of the witnesses, as recorded during the course of investigation, coupled with the fair antecedent, let the



petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learnedChief Judicial Magistrate, Bettiah, West Champaran in connection with Kalibagh P.S. Case No. 32 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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