

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46196 of 2025

Arising Out of PS. Case No.-525 Year-2024 Thana- GAYA KOTWALI District- Gaya

Ashish Kumar S/o- Late Pappu Rawat @ Pappu Raut Vill- Lal Bahadur
Shastri Nagar Vedant Tola PS-Kotwali Dist- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Gaya Kotwali P.S. Case No. 525 of 2024 registered on 12.10.2024 for the alleged offences under Sections 126(2), 115(2), 125, 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the son of the informant was assaulted by the petitioner and co-accused Mintu Kumar with stones and bricks and he died due to this assault.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the deceased had earlier sold the gas cylinder of the petitioner and the informant gave Rs. 1,500/- to the petitioner and assured to make further payment.



Therefore, there was no reason for the petitioner to assault and kill the son of the informant. But there was strong possibility considering the nature of the deceased that he might have been assaulted by some other person due to his activities and merely on suspicion, the petitioner has been made accused in this case by the informant. Learned counsel further submits that the petitioner and the victim were cousins and the petitioner has been named due to personal grudge and land dispute. Learned counsel further submits that the informant claimed herself to be an eye witness but from the last 2-3 lines of written report of the FIR, it appears she was not present as she stated that she believed that the petitioner and co-accused killed his son by hitting him with stones and bricks. Learned counsel further submits that though the son of the informant had been first assaulted outside his house and thereafter, he had been brought to his house by the petitioner and co-accused, there is no independent witness who might have seen this occurrence. Therefore, it appears to be a case of false implication. The petitioner is in custody since 13.01.2025 and charge-sheet has been submitted. The petitioner is having antecedent of one case in which he is on bail.

05. Learned APP for the State opposes the submission



made on behalf of the petitioner. Learned APP submits that the informant and the brothers and sisters of the deceased are eye witnesses in the case and they have known this petitioner and co-accused who brought the deceased to his house slapping and inside the house they assaulted him with bricks and stones. The postmortem report also shows that there were a number of external injuries on the body of the deceased including some internal injuries. Learned APP further submits that the postmortem report opines that the injuries were ante-mortem caused by hard and blunt object and death is also from haemorrhage and shock due to injuries mentioned in the FIR.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the direct and serious nature of allegation against the petitioner for murdering the son of the informant, I am not inclined to grant bail to the petitioner. Hence, his prayer for bail is **rejected**.

07. The learned trial court is directed to expedite the trial and conclude the same at the earliest considering the fact that the petitioner is in custody since 13.01.2025.

(Arun Kumar Jha, J)

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