

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47344 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Manindra Kushwaha @ Manindra Prasad S/O Late Chandradev Kushwaha
R/O Vill.- Shayampur, P.S.- Kuchaikote, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate
For the State	:	Mr.Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Pramod Kumar Yadav, Advocate
		Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant.

2. In the present case, the petitioner seeks bail in
connection with Kuchaikote P.S. Case No. 415 of 2024
registered for the alleged offences under Sections 126(2),
115(2), 118(1), 117(2), 109, 76, 352, 3(5) of B.N.S.

3. As per prosecution case, co-accused Ankit
Kushwaha caught hold of the informant and when she tried to
get herself freed, her cloth was torn. When the family members
of the informant had been going to scold co-accused Ankit
Kushwaha, the petitioner and other co-accused, who were armed
with Farsa, rod, Garashi, lathi and danda, assaulted the mother



of the informant causing head injury. The petitioner assaulted Sanju Kumari with an iron rod on her head causing head injury and she fell down and became unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. In fact, no occurrence in the manner as alleged has ever taken place. Altogether seven persons have been made accused in this case including the petitioner, who is an old man aged about 63 years. The occurrence took place on 29.09.2024 but the information to the police was given on 02.10.2024 and there is no explanation for delay of three days which creates doubt over the prosecution case. Learned counsel further submits that though the petitioner is stated to have caused head injury on Sanju Kumari but the injury report has been issued after inordinate delay which also creates doubt over the injury report. During investigation the statement of the Sanju Kumari was recorded but she did not make any specific allegation against the petitioner. The informant is not an eye witness and this fact is apparent from the FIR which shows a number of family members of the informant have received injuries but the informant has not received any injury. A number of co-accused persons have been granted bail by the learned trial court.



Learned counsel further submits that the victim received lacerated wound on scalp of size 5cm x 1cm x 1/2cm and CT scan report shows fracture of right parietal bone. The injury is stated to be grievous caused by hard and blunt substance. The petitioner is in custody since 15.05.2025 and charge sheet has been submitted. The petitioner has antecedent of one case in which he is on bail.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the injury of victim Sanju Kumari is grievous in nature as she had fracture of right parietal bone. Learned counsel further submits that the petitioner side is extending threat to the informant side.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the superficial size of injury inflicted on the victim by the petitioner and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Gopalganj/concerned Court in connection with Kuchaikote P.S.
Case No. 415 of 2024, subject to the conditions mentioned in
Section 480(3) of B.N.S.S. 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)

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