

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55575 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- DIDARGANJ District- Patna

Gonu Kumar S/O Anand Mohan Singh R/O Mohalla - Fetehpur, P.S.-
Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55779 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- DIDARGANJ District- Patna

Kundal Kumar S/O Rambabu Singh R/O Vill.- Fatehpur, P.S.-Didarganj,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57691 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- DIDARGANJ District- Patna

Nand Lal Kumar S/o- Anand Mohan Singh Moh- Fatehpur Ps- Didarganj
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shudhanshu Kumar Lal, Sr. Advocate



Mr. Kumar Praveen
Mr. Pramod Kumar
For the Informant : Mr. Nand Kishore Prasad
Mr. Neeraj Kumar Pandey
For the Opposite Party/s : Mr. Nand Kishore Prasad
Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

3 15-11-2025 1. By means of aforesaid Cr. Misc. Nos. 55575 of 2025, 55779 of 2025 and 57691 of 2025, petitioners namely-Gonu Kumar, Kundal Kumar and Nand Lal Kumar respectively, who are involved in connection with Didarganj P.S. case no. 108 of 2025, registered for the offences punishable under Sections 126(2)/115(2)/118(2)/303(2)/351(1)/352/109/3(5) of the of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act seek enlargement on bail during the pendency of trial.

2. Since all the aforesaid bail applications, arising out of same Didarganj P.S. case no. 108 of 2025 and are connected together, therefore same are being disposed of by this common order.

3. Heard Mr. Shudhanshu Kumar Lal, learned Senior Counsel for the petitioners appearing in all the matters, learned counsel for the informant and learned Additional Public Prosecutor representing the State.

4. According to the prosecution case in brief, the



informant got a first information report lodged on 31.03.2025 at 01:15 PM stating inter-alia that on 30.03.2025 at about 05:45 PM, when his son namely Shravan Kumar was at a chowmin shop, he informed the him on phone that the petitioners Gonu Kumar and Nandlal Kumar, had arrived there to kill him. On the said information, he rushed with his sons Dinesh Kumar, Vikas Kumar, Putus Kumar, and Golu Kumar at the spot to save Shravan. On reaching the chowmein shop, they saw Gonu Kumar, Nandlal Kumar, Kundal Kumar, Tej Pratap Kumar, and Manohar Singh, were brutally assaulting Shravan Kumar with pistols and iron rods. When they attempted to rescue him, the petitioners Kundal Kumar and Gonu Kumar attacked Dinesh Kumar and Golu Kumar with rods and caused head injury to Dinesh and serious injuries on legs and arms of Golu. When nearby villagers intervened, Kundal Kumar fired shot at Shravan Kumar, which hit on his back.

5. It is argued by learned Senior Counsel for the petitioners, that petitioners have been falsely implicated in this case. The incident has not taken in the manner as alleged by the prosecution. It is further argued that with regard to an incident which took place on 30.03.2025 between 17:30 to 17:45 hours both sides lodged First Information Report against each other. In



this regard, it is pointed out from the side of the petitioners that First Information Report was lodged at Didarganj P.S. Case No. 107 of 2025 on 31.03.2025 at 02:15 A.M. by Nand Lal Kumar against five persons, namely, Vikash Kumar, Sharvan Kumar, Phulendra Kumar, Phutus Kumar and Golu Kumar stating *inter alia* that in the said incident, three persons namely, Nand Lal Kumar, Gonu Kumar and Kundal Kumar received injuries due to assault of aforesaid accused persons. Thereafter, from the side of informant of this case, First Information Report was lodged at Didarganj police station being P.S. Case No. 108 on 31.03.2025 at 13:15 hours (01:15 P.M.) by the informant of the case namely Ramu Singh against the petitioners Gonu Kumar, Kundal Kumar, Nand Lal Kumar and co-accused, namely, Manohar Singh and Tej Pratap Kumar stating *inter alia* that in the said incident, three persons, namely, Dinesh Kumar Golu Kumar and Sharvan Kumar have received injuries. Much emphasis has been given by contending that though in the F.I.R. of Didarganj P.S. Case No. 108 of 2025, it alleged that all the accused persons in collusion with each other assaulted Dinesh Kumar and Golu Kumar with iron-rod and Kundal Kumar fired shot at Sharvan Kumar, which hit his back but there is no injury report of Dinesh Kumar, Golu Kumar and Sharvan Kumar on record,



whereas after completion of investigation chargesheet has been submitted in this case. So far as criminal history of the petitioners are concerned, it is pointed out that petitioners have criminal history of one case to their credit as disclosed by them in paragraph no.3 of bail applications, in which they are on bail. Lastly, it is submitted that petitioners are languishing in jail since 03.05.2025 and in case they are released on bail, they will not misuse the liberty of bail and cooperate with the trial.

6. *Per contra*, learned Additional Public Prosecutor for the State and learned counsel for the informant opposed the prayer for bail of the petitioners reiterating the prosecution case as mentioned in F.I.R. by contending that innocence of the petitioners cannot be ad-judged at pre-trial stage. It is also submitted by the learned counsel for the informant that prior to incident dated 30.03.2025, the accused persons, namely, Tej Pratap Kumar, Golu Kumar, Nand Lal Kumar and Kundal Kumar had also assaulted the informant and his son Vikash Kumar, regarding which First Information Report was lodged by Golu Kumar as Didarganj P.S. Case No. 105 of 2025 on 30.03.2025 at 12:30 hours. So far as injury of Dinesh Kumar, Golu Kumar and Sharvan Kumar are concerned, it is argued that they were admitted in Ford Hospital, Patna, where their



treatment was done but investigating officer did not collect their medical report.

7. Having heard the submissions of learned counsel for the parties and perused the record, I find that vide order dated 12.08.2025, photostat copy of the case diary in connection with Didarganj P.S. Case No. 108 of 2025 was called for, which has been received. On going through the case diary, I find that there is no mention about injury report of aforesaid injured persons namely Dinesh Kumar, Golu Kumar and Sharvan Kumar. It is also not in dispute that both the sides lodged F.I.R. against each other and at this stage, it cannot be determined that which party was the aggressor in the said incidence. Investigation has been completed and charge-sheet has been submitted in both the case. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioners, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioners.

8. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence,



severity of punishment, complicity of the petitioners, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioners, who are in incarceration since 03.05.2025 have made out a *prima facie* case for bail.

9. Accordingly, the bail applications of the above named petitioners stand allowed.

10. Let the petitioners namely **Gonu Kumar, Kundal Kumar and Nand Lal Kumar** be released on bail in the aforesaid case on furnishing a personal bond of Rs.25,000/- (Twenty Five Thousand) and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioners shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioners shall not directly or indirectly involve in any criminal activity.

11. In case of breach of above conditions by the petitioners, it will be open for the prosecution to move bail cancellation application before the Court concerned.

12. It is clarified that anything said in this order is limited



to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

13. The trial Court shall make an endeavour to conclude the trial of the petitioners expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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