

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88011 of 2024**

Arising Out of PS. Case No.-238 Year-2024 Thana- KATEYA District- Gopalganj

Basath Kushwaha Son of Late Narayan Singh, Resident of Village- Patohawa,
PS- Kateya, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 62 of 2025

Arising Out of PS. Case No.-238 Year-2024 Thana- KATEYA District- Gopalganj

Munnial Kushwaha @ Munilal Kushwaha S/O Ramchandra Singh @
Ramdeo Kushwaha, R/oVillage- Patohawa, PS- Kateya, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 88011 of 2024)

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 62 of 2025)

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-02-2025 Heard Mr. Indrajeet Bhushan, learned counsel for

the petitioners for both the cases and learned Additional Public

Prosecutor for the State.

2. The petitioners are in judicial custody in
connection with Kateya P.S. Case No. 238 of 2024, registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 307, 302, 504 and 506 of the Indian Penal Code, lodged on
22.06.2024 by the informant, Lalji Singh.



3. As per the prosecution story, the co-accused persons were planting bushes over a disputed land and when the informant's side objected to the same, the co-accused persons assaulted the informant and his family members.

4. Learned counsel for the petitioners submit that:

(i) So far as the petitioner Basath Kushwaha is concerned, though he is named in the FIR, no role has been assigned to him, he does not have criminal antecedent, is in custody since 19.07.2024 and similarly situated co-accused persons namely, Ramjanak Singh and Vinod Kushwaha have been granted bail by this Court *vide* an order dated 18.11.2024 passed in Cr. Misc. No. 79177 of 2024.

(ii) Regarding Munnilal Kushwaha, though allegation of assault is on him and Kamlesh Kushwaha, only one injury has been found on the person of the deceased and as such, he also needs sympathetic consideration.

5. Learned Additional Public Prosecutor for the State on the other hand opposes the prayer submitting that so far as Munnilal Kushwaha is concerned, specific allegation is there against him that not only he gave bamboo blow on the face of the informant, Lalji Singh, but he also gave blow to Lalita Devi.

6. Considering the allegation that has come against



the petitioner, Munnilal Kushwaha in Cr. Misc. No. 62 of 2025, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

7. Regarding Basath Kushwaha in Cr. Misc. No. 88011 of 2024, considering the aforesaid facts that stand incorporated coupled with the fact that he does not have criminal antecedent, is in custody since 19.07.2024 and similar placed co-accused have been granted reliefs as stated above, in that background, this Court is inclined to extend him the privilege of bail with the conditions.

8. Let the petitioner, Basath Kushwaha in Cr. Misc. No. 88011 of 2024, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj, in connection with Kateya P.S. Case No. 238 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member / relative of the petitioner who shall provide official document to show is bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two



consecutive dates without plausible reason will entail
cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for the next six months to mark his
attendance;

(iv) the petitioner shall, in no way, try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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