

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80301 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- GAUNAHA District- West Champaran

Kamaluddin Kamal @ Kayamuddin Kamal @ Kyamuddin Kalam @
Kalamuddin Kamal S/o Late Badyujama @ Late Badyu Jama, R/o Village -
Madhopur, P.S - Gaunaha, District - West Champaran Presently R/o Village -
Jafra Bazar, Beniganj, P.S - Tirwaripur, District - Gorakhpur, State - U.P.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Jha, Advocate Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Gaunaha P.S. Case No. 67 of 2025 dated 12.05.2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109(1) and 103(1) of the B.N.S., 2023.

3. As per the prosecution case, the petitioners and seventeen other co-accused persons, who were armed with knife, *farsa* and *lathi* came to the land of the informant and five co-accused persons brutally stabbed the son of the informant to death. When the cousin of the informant came for rescue of the



son of the informant, this petitioner and two other co-accused persons assaulted him with *lathi* and knife, causing fracture of his head. The brother of the informant was also stabbed by three co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. There is no allegation of assaulting the deceased against this petitioner. Only allegation against the petitioner is that he and two other co-accused persons assaulted the cousin of the informant and injury report of the cousin of the informant shows *an incised wound on right side behind the ear of size 1" x 1/4"* and *a lacerated wound on the occipital region on the head of size 1/2" x 1/4"*. The injuries are stated to be caused by sharp cutting and hard blunt substances and the nature of injury is simple. Learned counsel further submits that the dimensions of injuries show that injuries are superficial. Moreover, the allegation against the petitioner and co-accused for assault with *lathi* or knife is omnibus. There is case and counter case between the parties and Gaunaha P.S. Case No. 79 of 2025 has been lodged against the informant's side. Learned counsel further submits that a number of co-accused persons have been granted bail *vide* orders dated



02.09.2025 and 22.09.2025 passed in Cr. Misc. No. 59983 of 2025 and Cr. Misc. No. 67010 of 2025 respectively and other similarly situated co-accused person namely, Shabnam Khatoon has been granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court *vide* order dated 12.09.2025 passed in Cr. Misc. No. 62067 of 2025. Learned counsel lastly submits that petitioner is having clean antecedent and is in custody since 11.09.2025.

5. Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the co-accused Shabnam, being a lady, has been granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court. Meanwhile, the bail petition of similarly placed co-accused Imranul Haque @ Emranul Hak is pending before a learned co-ordinate Bench and case diary along with *post-mortem* report has been called for in that case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general nature of allegation against the petitioner resulting in consequent simple injury and further considering his clean



antecedent and his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran / concerned Court, in connection with **Gaunaha P.S. Case No. 67 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date 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)

Shahnawaz/-

U		T	
---	--	---	--

