

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3217 of 2025

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

Kanhaiya Kushwaha @ Kanhaiya Bhagat @ Kanhaiya Singh Son of Late
Narayan Singh Resident of Village - Patohawa, P.S. - Kateya, District -
Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Kateya
P.S. Case No. 238 of 2024 registered for the offences under
Sections 302, 307, 147, 148, 149, 341, 323, 504 and 506 of the
Indian Penal Code.

3. As per the FIR, during the altercation between the
prosecution side and the accused side, the petitioner had
assaulted the brother of the informant namely Bhardul
Kushwaha with a bamboo causing head injury and other
accused persons namely Kamlesh Kushwaha and Munnilal
Kushwaha assaulted Lalita Devi with bamboo and rod, who



during the course of treatment died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against him and as far as the petitioner is concerned, he is stated to have assaulted one Bhardul Kushwaha whose injury report has been brought on record by way of Annexure P5, wherein the injury has been stated to be a lacerated wound about 3 cm x 3 cm x 0.25 cm on parital region of head, however, there was no opinion with regard to the nature of injury. The learned counsel has further submitted that as far as the allegation of assault on Lalita Devi is concerned, it was specific on Kamlesh Kushwaha and Munnilal Kushwaha. The learned counsel has lastly submitted that the petitioner has clean antecedent and he is in custody since 23.06.2024 (wrongly stated as 19.07.2024 in the impugned order dated 11.09.2024 passed in B.P. No. 817 of 2024).

5. The learned Additional Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail and have stated that the petitioner was among the accused persons who had assaulted the prosecution side however, it has not been disputed that there was case and counter case and a title suit is pending between the parties and



four persons from the accused side had also sustained injuries.

6. Considering the aforesaid submissions and taking into account that there is no allegation of assaulting the said Lalita Devi who had later succumbed to the injuries and considering the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M- VI, Gopalganj in connection Kateya P.S. Case No. 238 of 2024 subject to the conditions that

1. One of the bailors of the petitioner shall be her close relative.

2. The petitioner shall remain physically present in Court on each date of the trial.

3. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

4. And further condition that the court below shall verify the criminal antecedent of the petitioner



and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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