

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87523 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- Gurupa District- Gaya

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1. Subhash Prasad @ Subhash Kumar S/O Late Balmukund Yadav @ Balmukund Prasad R/O Village- Puranibathan PS- Gurpa District- Gaya
 2. Kamlesh Kumar S/O Late Balmukund Yadav @ Balmukund Prasad R/O Village- Puranibathan PS- Gurpa District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 07-05-2025 Heard learned counsel for the petitioners and learned

APP for the State. As directed by the earlier order dated 19.04.2025, the Investigating Officer of the case, who is present in the Court, produced the viscera report which is kept on record.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126 (2), 115 (2), 103 (1), 352, 351 (3) and 3 (5) of the B.N.S.

3. The allegation in the first information report is that the deceased had an earlier dispute with the present petitioners and due to the said dispute both of them assaulted the deceased person due to which he received internal injury and succumbed to injury during course of his treatment.



4. It is submitted by learned counsel for the petitioners that first information report itself would indicate that there was dispute between the parties with regard to boundary wall and there is general and omnibus allegation on both these petitioners of having assaulted the deceased. However, it has not been indicated that any weapon etc. was used in the said offence or not. It is further submitted that at best, the death of the deceased could be due to scuffle having taken place between the petitioner and the deceased. No cause of death has been brought on record in the postmortem report. The postmortem report only shows that no final opinion has been given by the doctor about the death and the same has been reserved till the F.S.L. report with regard to the viscera which indicates that no poison could be detected.

5. Learned APP for the State opposed the prayer for bail on the ground of allegations made in the F.I.R. as also on the ground of criminal antecedent of the petitioners.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gurpa P.S. Case No.37 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. The personal appearance of the Investigating Officer is dispensed with.

(Soni Shrivastava, J)

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