

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2461 of 2025

Arising Out of PS. Case No.-214 Year-2024 Thana- SILAO District- Nalanda

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Kundan Kumar S/o- Mithilesh Singh Resident of village- Panki PS- Silao
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 02-07-2025 Heard the learned counsel for the petitioner,

learned counsel for the informant and learned APP for the

State.

2. The petitioner seeks bail in a case registered for
the offences under Sections 126(2), 115(2), 74, 109, 352,
103(3) and 3(5) of the B.N.S

3. As per the prosecution case, the informant has
alleged that while his mother was inside the house, the main
accused persons including the petitioner came to the house and
started abusing due to a land dispute and when his mother
stopped them from abusing, it is alleged that the petitioner
assaulted the mother of the informant on her hand and hit on
her head with a brick on which she became senseless and fell
down. It is subsequently alleged that the informant took his



mother to a private hospital for treatment and the present case was lodged. During the course of treatment, the mother of the informant had died and subsequently, Section 103(3) and Section 3(5) of the B.N.S. was added.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that the mother of the informant died a natural death and the petitioner and others have been falsely implicated on account of a land dispute existing from before. Learned counsel next submits that from the perusal of the inquest report as well as the post mortem report, it would be evident that no external injury was found on the body of the deceased and hence, the allegation made in the F.I.R. is not corroborated by the medical evidence. It is lastly submitted that the petitioner has one criminal case against his name of the year 2011 and in the present case, he is in custody since 16.08.2024.

5. Learned APP for the State as well as learned counsel for the informant have jointly opposed the prayer for bail of the petitioner and has stated that the petitioner has been accused of assaulting the mother of the informant, who had succumbed to the injury inflicted by the petitioner.



6. Considering the aforesaid facts and circumstances and taking into account the post mortem report which do not corroborate the allegations made in the F.I.R., the petitioner above named be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Silao P.S Case No.214 of 2024, subject to the conditions :-

(i) one of the bailors shall be the close relative of the petitioner

(ii) the petitioner shall remain physically present in the Court on each date of trial.

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) the learned 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/her 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 above mentioned order shall not be delayed for purpose of or in the name of verification.



7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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