

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1052 of 2026

Arising Out of PS. Case No.-574 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Santosh Das, S/O Bhagelu Das, Resident of Village- Patpariya, Police Station- Muffasil Motihari, District- East Champaran.
 2. Lalsahab Kumar, S/O Yogi Das, Resident of Village- Patpariya, Police Station- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Singh, Advocate Mr. Anant Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Dhannjay Kumar No 2, Advocate Ms. Sonalika Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-04-2026 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioners have preferred this application for grant of regular bail in connection with Motihari Muffasil P.S. Case no.574 of 2025, registered under sections 109, 126(2), 115(2), 117(2), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 to which section 103 of the Bharatiya Nyaya Sanhita, 2023 was added subsequently.

3. As per the prosecution case, the six named accused persons including the two petitioners herein are said to have come variously armed. The informant states that they started to hurl abuses. On protest by the informant, Bhagelu Das is said to



have forcibly taken the informant whereafter Bhushan Das struck him with an iron rod as a result of which he sustained injuries in his right hand. Thereafter, Chandan Kumar and Santosh Kumar assaulted with *lathi* and rod. On the son of the informant coming to his rescue, it is stated that Bhushan Kumar struck him with an iron rod on the head as a result of which he fell down unconscious. On *hulla* being raised, the accused persons went away giving threats.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. There is case and counter case between the parties. So far as the petitioner Lalsahab Kumar is concerned there is no overt act alleged against him. With respect to the petitioner Santosh Das it is submitted that there is no allegation of him having assaulted the deceased. The allegation against him is of having assaulted the informant on his leg which is a non-vital part of the body. The petitioners are in custody since 13.10.2025 and undertake to cooperate in the investigation/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that both the petitioners are named in the F.I.R. with direct allegation against



them of having actively participated in the occurrence wherein the son of the informant died as a result of brutal assault having taken place out of the common intention of all persons. There is specific allegation on Santosh Kumar of having assaulted the informant with corresponding injury having been found on his leg.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation, there being no allegation of the petitioners having assaulted the deceased, the allegation of assault on Santosh Kumar being on non-vital part of the body of the informant together with the petitioners having remained in custody since 13.10.2025 and charge-sheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Motihari Muffasil P.S. Case no.574 of 2025, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

(Partha Sarthy, J)

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