

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3281 of 2026

Arising Out of PS. Case No.-19 Year-2023 Thana- NIMACHANDPURA District- Begusarai

1. Gautam Kumar Son of Kapildeo Rai @ Kapildev Rai @ Kapildev Ray R/o Village - Ramanand Nagar , P.S.- Neemachandpura(Nimchandpura), District - Begusarai.
2. Kapildeo Rai @ Kapildev Rai @ Kapildev Ray Son of Chano Rai R/o Village - Ramanand Nagar , P.S.- Neemachandpura(Nimchandpura), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-02-2026 Heard the learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Neemachandpura (Nimachandpura) P.S. Case No.19 of 2023, F.I.R dated 05.02.2023 registered for the offences punishable under Sections 147, 149, 323, 504, 302, 506 of the Indian Penal Code.

3. According to prosecution case, on 05.02.2023 at about 4:00 PM, the informant, Ajit Kumar of Village Ramanand Nagar, Begusarai, was feeding his cattle at his house when eight named accused persons arrived armed with lathis and began abusing him. When the informant and his father protested, the



accused allegedly assaulted the informant and his brothers, Amit Kumar and Sumit Kumar, with lathis and dandas. When the informant's father intervened to rescue them, the accused also assaulted him with fists and slaps, causing him to fall to the ground. It is alleged that two of the accused, Hareram Mahto and Kapildeo Rai, pressed the father's hydrocele with the intention to kill him, resulting in his death. The informant claims that all accused acted with common intention and that the incident was witnessed by Sundri Devi, Amit Kumar, Sumit Kumar, and Babli Kumari.

4. Learned counsel for the petitioners submits that the allegations against these petitioners is of pressing testicles of the informant's father along with one Kapildeo Rai, the matter was investigated and for lack of evidence, final form is said to have been submitted by the Police. From perusal of the post-mortem report, the cause of death is said to be due to asphyxia caused by compression of chest and fracture of sternum. It has next been submitted that the final form submitted by the Police, has not been accepted by the learned Trial Court and differing with the same, cognizance has been taken and owing to such, the instant anticipatory bail application has been filed. It has further been submitted similarly situated co-accused persons have been



granted bail by a Co-ordinate Bench of this Court vide order dated 04.02.2026 passed in Cr. Misc. No.6302 of 2026.

5. Learned APP for the State vehemently opposed the prayer for anticipatory bail application and submits that there is serious allegation of pressing the testicles, owing to which death has occurred.

6. Considering the aforesaid facts and circumstances that the cause of death is due to asphyxia caused by compression of chest and fracture of sternum and there is no specific allegation against these petitioners rather the allegations are general and omnibus in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Neemachandpura (Nimachandpura) P.S. Case No.19 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section



482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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