

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33429 of 2024

Arising Out of PS. Case No.-4 Year-2022 Thana- GOVINDPUR District- Nawada

1. Krishna Kewat S/O Late Kailash Kewat R/O Village- Dumari, P.S-
Gobindpur, Dist.- Nawada.
2. Bachchesh Kewat S/O Chandeshwar Kewat R/O Village- Dumari, P.S-
Gobindpur, Dist.- Nawada.
3. Sanjay Kewat @ Sanju Kewat S/O Late Kailash Kewat R/O Village-
Dumari, P.S- Gobindpur, Dist.- Nawada.
4. Surya Sahni @ Suraj Sohani S/O Heera Lal Sahni R/O Village- Dumari, P.S-
Gobindpur, Dist.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 29-01-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Govindpur P.S. Case No. 04 of 2022 registered for the offences punishable under Sections 302, 120B of IPC.

3. As per FIR, petitioners alongwith other named co-accused persons/ family members assaulted uncle of informant namely, Sunil Kewat due to which he received severe head and bodily injury and subsequently out of said injury he died during the course of treatment.



4. It is submitted by learned counsel appearing on behalf of the petitioners that FIR was lodged after delay of 16 days for the occurrence dated 22.12.2021. It is submitted that allegation qua physical assault appears very much general and omnibus against petitioners. It is pointed out that during investigation, it transpired that due to left limb weakness of the body the uncle of informant was admitted in hospital where he died out of brain stroke. It is pointed out that no history of past injury was noticed by doctor except some small black mark on left aboral region. It is submitted that taking advantage of natural death of uncle the present false case was lodged implicating petitioners and other accused for the occurrence dated 22.12.2021 which actually took place out of trivial issues arising out of local dispute and differences which was compromised in police station.

5. Arguing further, it is submitted that considering all such aspect, the police after investigation submitted closure report qua all aforesaid petitioners but



the learned Jurisdictional Magistrate by taking a different view took cognizance against petitioners *qua* crime in question. In this context it is further submitted that similarly situated co-accused namely, Dhiraj Kumar, Manish Kumar, Abhishek Kumar, Subhash Kumar, Deepak Kumar, Sonu Kumar and Shantanu Kewat approached this Court for quashing of the FIR where one of the learned co-ordinate Bench after hearing the parties pleaded to stay further proceeding in this case *qua* petitioners before the learned trial court. While concluding arguments, it is submitted that all petitioners are of clean antecedents.

6. Learned APP duly assisted by Miss. Riya Kashyap learned counsel for the informant after taking note of aforesaid submission pointed out that the cause of death upon post-mortem was found by doctor as brain injury and not brain stroke therefore submission that the uncle of petitioners died out of illness is not appears convincing.



7. Let it be so as allegation of physical assault appears very much general and omnibus in nature, where FIR in issue was lodged with a delay of 16 days, accordingly all above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, 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 SDM, Nawada /concerned Court, where the case is pending in connection with Govindpur P.S. Case No. 04 of 2022, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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