

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35928 of 2026

Arising Out of PS. Case No.-155 Year-2025 Thana- Mufassil District- Khagaria

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Brajendra Kumar @ Balli S/o Chalitar Rajak R/o Awas Board Ward No 28,
P.S. - Chitragupt Nagar, Distict - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 103(1), 3(5) of the B.N.S.

3. As per the prosecution case, on 03.11.2025, the
informant's brother, Imtyaz Alam was severely assaulted by the
coordinator and staff of a De-Addiction Centre using *lathi*,
danda, rod etc. due to which he succumbed to injuries on
08.11.2025 during the treatment in Siliguri.

4. Learned counsel for the petitioner submits at the
outset that the petitioner is not named in the First Information
Report and the story indicated in the F.I.R. is that the informant's
brother Imtyaz Alam, who is the deceased was admitted into the
De-Addiction Centre, on 03.11.2025 and on the same day he was
assaulted by the Director and his 4-5 associates after which he



was admitted in a hospital at Begusarai and from there, he was referred to a higher Centre at Siliguri, where he died. The F.I.R. indicates that the death of the deceased had taken place on account of the assault and negligence caused by the Director of the Centre and his staffs. It is submitted that so far as the petitioner is concerned, he himself is an inmate of the said De-Addiction Centre, and himself was a patient. The F.I.R. was lodged after a delay of eight days on 11.11.2025. The allegations in the F.I.R. are specific on the Director and his associates/staff whereas the petitioner is neither the Director nor the staff of the De-Addiction Center rather a patient himself in the said Center. The name of the petitioner transpired on account of a confessional statement of one of the co-accused before police which has no evidentiary value. It has also submitted that there could have been no motive in killing the deceased and as such, an offence under Section 103(1) would not be made out in the facts of the case in absence of any *mens rea*. The petitioner has no criminal antecedent and is in custody since 06.12.2025.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner was not named in the FIR, he himself was a patient in



the Centre and his name transpired in the confessional statement of co-accused coupled with the fact that the FIR was also a delayed document, let the above named petitioner, be released on bail on 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, Khagaria/concerned Court below in connection with Muffasil P.S. Case No. 155 of 2025.

(Soni Shrivastava, J)

Priyanka/Nitu/-

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