

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37070 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- Kurth District- Arwal

1. Vikash Kumar S/o Virendra Singh R/o Village - Kutupur, P.O - Pondil, P.S - Kurtha, District - Arwal
2. Kaushalya Devi W/o Vikash Kumar R/o Village - Kutupur, P.O - Pondil, P.S - Kurtha, District - Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Akshansh Ankit, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 09-06-2026 Heard learned senior counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 103(1), 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the petitioners are said to have assaulted the informant and his three months old child due to which they got injured. After the incident, the informant fed milk to the child and the child slept. Thereafter, the child was found dead.

4. Learned senior counsel has submitted that this is an unfortunate case of two petitioners who are the husband and wife and the petitioner no.1 happens to be the full brother of



the informant as also the paternal uncle of the child of the informant who died. It has further been submitted that the F.I.R. itself indicates that there was a dispute between the two brothers on account of some reason and it has been alleged therein that since, some stone pelting was being done by the petitioners, the daughter of the informant also got hit. However, in the F.I.R. itself, it has been indicated that the child was put to sleep and was not taken for any treatment. It has further been submitted that subsequently, it was found that the child was dead, however, the postmortem report of the child which is annexed as Annexure-P/4, indicates the cause of death as asphyxia due to medical disorder. It also appears from the postmortem report that neither there is any ligature mark present nor there is any injury like bruise, abrasion, laceration etc. So far as the informant is concerned, he has received only one simple lacerated injury as would be evident from Annexure-P/3.

5. It has also been pointed out by way of Annexure-P/2 that the informant has filed an application before the learned Court below on 11.03.2026 stating therein that he has filed the present case in anger since his child had died. However, he subsequently came to know that she had died on



account of cold. Petitioners have no criminal antecedents and they are in custody since 18.01.2026 and charge sheet has also been submitted.

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

7. Taking into consideration the facts and circumstances of the case and also considering the fact that the postmortem report of the child does not indicate any external injury and the informant has also filed a petition stating the correct facts, let these above petitioners, who are relatives of the informant, be released on bail on 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 Chief Judicial Magistrate, Arwal/concerned Court below in connection with Kurtha P.S. Case No. 16 of 2026.

(Soni Shrivastava, J)

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