

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38986 of 2026**

Arising Out of PS. Case No.-75 Year-2026 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Sonu Patel S/O Hari Shankar Singh @ Harishankar Chaudhari R/O Village-Katrakala, PS- Mohania, Distt-Kaimur(Bhabua)
2. Guddu Singh Patel @ Guddu Patel S/O Hari Shankar Singh @ Harishankar Chaudhari R/O Village-Katrakala, PS- Mohania, Distt-Kaimur(Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                  |
|----------------------|---|--------------------------------------------------|
| For the Petitioner/s | : | Mr. S.K. Lal, Sr. Adv.<br>Mr. Umesh Prasad, Adv. |
| For the State        | : | Mr. Binod Kumar No.3, APP                        |
| For the Informant    | : | Mr. Tribhuwan Narayan, Adv.                      |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      28-07-2026                      Heard the parties.

2. The petitioners apprehend their arrest in connection with Mohania P.S. Case No. 75/ 2026 registered for the offence(s) punishable under Section(s) 103(1), 126(2), 115(2), 352, 351(2), 351(3) and section 3(5) of the BNS.

3. As per the prosecution story, on 02.02.2026 at about 9:00 A.M., a dispute arose over construction on a piece of land, during which the accused persons including the petitioners allegedly assaulted the informant's son with iron rods, sticks, and fists, causing head injury. The injured was initially taken to Mohania Government Hospital and was thereafter referred to Varanasi Trauma Centre, where he succumbed to his injuries



during treatment on 03.02.2026.

4. Learned senior counsel for the petitioners submits that both the petitioners are brothers and in between them and informant's family there is a land dispute and all the family members including the petitioners have been made accused and in the FIR, altogether five persons are alleged to have assaulted the informant's son by means of iron rod and sticks etc. however, the said allegation is not specific against any one of them except the petitioner no.2, namely, Guddu Singh Patel @ Guddu Patel. In the post mortem report the medical expert could not give his exact opinion with regard to the cause of death, so, he sent the viscera of the deceased for chemical examination to ascertain the cause of death. It is further submitted that in fact, the deceased was a tuberculosis patient and died due to the said disease though, he sustained some scratches while writhing in pain in his last moment but the same were not the cause of his death. Learned senior counsel further submits that at best the alleged act of the petitioners may only attract the offence punishable under section 105 of the BNS.

5. On the other hand, learned counsel for the informant has vehemently opposed the prayer of the petitioners and submits that the deceased was badly assaulted by the



accused persons, including the petitioners and on his body several injuries were found.

6. Learned APP appearing for the State also opposes the prayer of the petitioners and submits that there is serious allegations against the petitioners.

7. Considering the seriousness of the allegation appearing against the petitioners which relates to the murder of the informant's son though, final opinion of cause of death has not been given in the post mortem report but even then on the body of the deceased injuries were found and the statements of the witnesses who claimed themselves to be eye witnesses are relevant to the prosecution's allegations and further, the case is under investigation, in my opinion, it is not a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

**(Shailendra Singh, J)**

BKS/-

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