

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.49231 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- JAGDISHPUR District- Bhojpur

RAHUL KUMAR S/O Brida Singh @ Ganga Sagar Singh @ Brinda Singh  
Resident of Village- Munsi Tola, Danwan, P.S.- Jagdishpur, District- Bhojpur-  
802152

... .. Petitioner/s

Versus

The State Of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate  
For the State : Mr. Chandra Bhushan Prasad, APP  
For the Informant : Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA  
ORAL ORDER

4 23-02-2026 Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the Informant.

2. The petitioner seeks bail in a case registered for  
the offence punishable under Sections 147, 149, 341, 323, 325,  
307, 379, 379, 504 and 506 of the Indian Penal Code and later on  
Section 302 of I.P.C. was added.

3. As per the prosecution case, while the informant  
was cutting grass in her field, the accused persons, including the  
petitioner, arrived and assaulted her. The petitioner assaulted the  
informant on her left hand with a bamboo stick and, when her  
husband intervened, the petitioner hit him on the head with the  
same stick.

4. The learned counsel for the petitioner submits that  
the petitioner was in fact not present at the place of occurrence  
and he is a student of Bsc. Agriculture of National Post  
Graduation College, Gorakhpur and only with a view to spoil his



career his name was taken in the First Information Report. It is further submitted that as many as six persons of his family have been made an accused and the initial allegation discloses that an assault was made by bamboo stick on the informant and only when her husband had intervened that this petitioner is alleged to have given a bamboo stick blow on the head of her husband due to which he sustained injury and died after five days of the occurrence during the course of treatment. It has been further submitted that it would be apparent from the First Information Report itself that the incident took place out of some heated exchange between the parties and no dangerous weapon is said to have been used in the assault, as such, Section 302 of the I.P.C. would not get attracted in the facts of the case. It has been further submitted that there is case and counter case between the parties. The petitioner is in custody since 04.02.2025 and he is a student with no criminal antecedent. Further, charges have also been framed on 26.02.2025 and he undertakes to co-operate in the trial, however, no witness has appeared till date on behalf of the prosecution and as such, there is no likelihood of conclusion of trial in near future.

5. Learned APP for the State and learned counsel for the informant have opposed the grant of bail on the ground that there is specific allegation on the petitioner of having assaulted on



the head of the deceased on account of which he died, which is supported by the postmortem report.

6. Taking into consideration the facts and circumstances and considering the fact that the petitioner is a young student and even as per the allegations, no dangerous weapon is said to be used for assault and the death of the deceased also took place after five days of the occurrence during the course of treatment, coupled with the fact that charges have been framed and the petitioner undertakes to fully co-operate in the trial, 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 A.C.J.M.-1st, Bhojpur at Ara/concerned Court below in connection with Jagdishpur P.S. Case No. 77 of 2024 subject to condition that:-

(i) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

**(Soni Shrivastava, J)**

anand/-

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