IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67185 of 2026

CNR No. BRHC010925852026

Arising Out of PS. Case No.-147 Year-2026 Thana- AMARPUR District- Banka

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1. Gourav Kumar @ Gaurav Kumar S/o Pawan Kapri @ Pawan Yadav R/o Village - Paharpur, Police Station - Amarpur(Mainma), District - Banka.
2. Sourav Kumar S/o Pawan Kapri @ Pawan Yadav R/o Village - Paharpur, Police Station - Amarpur(Mainma), District - Banka.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel for the petitioners and learned APP for the State.

02. In the present case, the petitioners seek bail in connection with Amarpur (Mainma O.P.) P.S. Case No. 147 of 2026 registered for the alleged offences under Sections 103(1), 3(5) of BNS.

03. As per prosecution case, the petitioners and other co-accused persons armed with *lathi*, *danda*, iron rod abused and assaulted the father of the informant. Subsequently, the father of the informant ran to his house to save himself, but he was again assaulted. The informant intervened, he was also

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assaulted and petitioner Gaurav Kumar put a 'katta' on his temple and threatened to kill him. The father of the informant received serious injuries and succumbed to his injuries while undergoing treatment.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The informant is not an eye witness though he claimed himself to be eye witness. Only one ante-mortem injury was found on the head of the deceased caused by hard and blunt substance and no other injury was found. The said injury was cause of death which falsifies the allegation against the petitioners and other co-accused persons as five persons have been named, who allegedly assaulted the father of the informant but absence of injuries does not corroborate the allegation. The real fact is that the deceased was aged about 67 years and he fell down and received head injury as a result of which he died. But the petitioners have been falsely implicated along with their family members due to agnatic dispute between the parties. From the FIR it is also clear that there was no intention or motive to cause death of the father of the informant. Thus, in the background of general and non-specific allegation without any corroborative injury, the petitioners have been put behind the

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bar and they are in custody since 28.03.2026 and 29.04.2026, respectively. The petitioners are having clean antecedent and charge sheet has been submitted.

05. Learned APP opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and also considering the period of custody of the petitioners, their clean antecedent and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court in connection with Amarpur (Mainma O.P.) P.S. Case No. 147 of 2026, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

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(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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