IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75333 of 2026

CNR No. BRHC011095682026

Arising Out of PS. Case No.-194 Year-2026 Thana- KAKO District- Jehanabad

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Omprakash Kumar, S/o Rajballam Yadav, R/o Village- Nisarpura, P.S- Kako (Bhelawar), District- Jehanabad.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 511/2026, arising out of Kako (Bhelawar) P.S. Case No. 194 of 2026, registered for the offences under Sections 191(2), 191(3), 190, 333, 103(1) & 61(2) & 3(5) of the BNS.

3. As per prosecution case, the informant came to know from a call made by co-accused Jyoti Rajan on the mobile of his brother Munna Kumar Singh that his son was murdered. Thereafter, the co-accused persons came to doors of the informant and took him to the house of one Pujan Yadav where his son was lying in injured condition. The occurrence took

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place on 15.05.2026. During treatment, son of the informant died on 18.05.2026. The informant named the petitioner along with 10 other persons, who assaulted and killed his son.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the occurrence and merely on suspicion, the petitioner has been named in this case. The FIR has been instituted after delay of three days and there is no explanation for the same. It shows falsity of the allegation. General and omnibus allegation has been levelled against the petitioner and other co-accused persons. Learned counsel further submits that in fact, the deceased son of the informant tried to enter into the house of one Shakti Kumar with wrong intention and Kako P.S. Case No. 231 of 2026 has been instituted for the said occurrence and it appears the deceased son was assaulted by the co-accused persons with whom the petitioner is having no concern as the petitioner is neither related with co-accused Jyoti Ranjan nor with Shakti Kumar, who has not been made accused in this case. The petitioner is 60% handicapped and could not move without any support and it is not believable that he would have participated in the assault of the son of the informant. The

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petitioner is in custody since 18.06.2026 and is having clean antecedent. Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner has been named in the FIR along with other co-accused persons.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague and doubtful nature of allegation against the petitioner and further considering the case against the deceased son of the informant and further considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jehanabad/concerned court, in connection with Sessions Trial No. 511/2026, arising out of Kako (Bhelawar) P.S. Case No. 194 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

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

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(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

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

(Arun Kumar Jha, J)

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