

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1503 of 2026

Arising Out of PS. Case No.-238 Year-2024 Thana- KATEYA District- Gopalganj

Kamlesh Kushwaha Son of Kanhaiya Kushwaha @ Kanhaiya Bhagat @
Kanhaiya Singh, Resident of Village - Patohawa, P.S.- Kateya, District -
Gopalganj, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with STR No. 690 of 2024, arising out of Kateya P.S. Case No. 238 of 2024 dated 22.06.2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, petitioner and other co-accused persons came to a disputed land adjacent to the house of the informant and started erecting some hedge. When the informant opposed, they assaulted the informant and his family members, causing a number of injuries to them. Further allegation against the petitioner and other co-accused Munnilal Kushwaha is of indiscriminately assaulting the sister-in-law of



the informant with bamboo and rod, who succumbed to her injuries during treatment.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. The informant's side is aggressor and they assaulted a number of persons from petitioner's side causing serious injuries to them. For this, Kateya P.S. Case No. 239 of 2024 was registered against five accused persons of the informant's side. Title Partition Suit between the parties is also pending *vide* Title Partition Suit No. 44 of 2024 over the disputed land. Father of the petitioner is plaintiff no. 3 and the informant is a defendant 1st set as defendant no. 6. It was the petitioner's side which was attacked by the informant's side and was at receiving end. During this scuffle, the deceased might have fallen and sustained some injuries. The allegation of indiscriminate assault against the petitioner and co-accused persons gets falsified from the *post-mortem* report, which shows only one lacerated wound of size 3.5" x 0.25" x bone deep over the parietal region of skull and no other external injury has been found over the body of the deceased. The co-accused Munnilal Kushwaha with exactly same allegation as this petitioner, has been granted bail by a learned co-ordinate Bench of this Court



vide order dated 19.12.2025 passed in Cr. Misc. No. 62898 of 2025. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 19.07.2024.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner and submits that there is specific allegation against the petitioner and other co-accused persons that they assaulted the deceased with bamboo and rod.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injuries from alleged indiscriminate assault over the deceased and also considering grant of bail to similarly placed co-accused person and further considering petitioner's period of custody, his clean antecedent and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Gopalganj / concerned Court, in connection with **Kateya P.S. Case No. 238 of 2024**, subject to the condition laid down under



Section 480(3) of the B.N.S.S. and other following conditions:

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