

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91995 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- KATEYA District- Gopalganj

1. Munna Chauhan S/O Gorakh Chauhan R/O Village- Koisa Khurda, P.S.- Kateya, District- Gopalganj
2. Pratima Devi @ Pratibha Devi W/O Munna Chauhan R/O Village- Koisa Khurda, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-02-2026 Heard the learned counsel appearing on behalf of

the petitioners and the learned A.P.P. for the State.

2. Petitioners, who are in custody, seek bail in connection with Kateya P.S. Case No. 354 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 103(1) and 3(5) of the B.N.S.

3. As per the prosecution case, the allegation against the petitioners is that they, along with two other named accused persons, without any reason started assaulting the mother of the informant due to which she sustained head injury and the informant hurriedly took her to the primary health centre for treatment. It is further



alleged that again on the same day in the evening at around 5:00 P.M., all the four persons again came and started assaulting his mother due to which she died at the spot.

4. Learned counsel for the petitioners submits that the petitioners are falsely being implicated in the present case and no such incident as alleged has occurred. He further submits that from the perusal of the FIR, it would be evident that no means of arms are being stated to be carried by the four persons by which they had assaulted the mother of the informant. It has further been submitted that though the informant has stated that the mother of the informant was taken to a government primary health centre after the first assault, however, nothing has been brought on record during the course of investigation to show that the mother of the informant has received any injury and she was treated at the government primary health centre. It has next been submitted that from the perusal of the postmortem report, it would be evident that only two injuries were found, one on the thigh of the deceased while the other on the scalp of the deceased which is said to be the cause of the death. Learned counsel for the petitioner further submits that as per the



FIR, it is also evident that there was no motive of such assault and *prima facie* it seems that the informant himself was not an eyewitness and only on suspicion the name of the petitioners have been given in the present case. It has also been submitted that though the death of the mother of the informant occurred in the evening of 12.09.2024 and the post-mortem was also done on the same day at 9:00 P.M., still no fardbeyan was recorded by the police on 12.09.2024 and 13.09.2024 and as an afterthought, the petitioners have been implicated in this case when the FIR was lodged on 14.09.2024. It has lastly been submitted that the petitioner no. 1 has clean antecedent while petitioner no. 2 is accused in one another case and they both are in custody since 07.10.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioners are the named accused persons and the mother of the informant is said to have died due to such assault inflicted by them.

6. Considering the aforesaid submissions and taking into account the facts and circumstances of the case,



let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Kateya P.S. Case No. 354 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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