

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91690 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- NUAOW District- Kaimur (Bhabua)

Sushil Kushwaha S/o Bashawan Kushwaha R/o Village- Maharthia, PS-
Nuaon, District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tarkeshwar Tiwary
For the Opposite Party/s	:	Mr. Lalan Kumar
For the Informant	:	Mr. Ashutosh Tripathy, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-04-2026 Heard the learned counsel for the petitioner, the learned APP for the State, and the learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Nuaon P.S. Case No. 79 of 2025 registered for the offence under Sections 103(1), 126(2), 115(2), 118(1), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution in brief is that on the alleged date and time of occurrence, the accused persons including the petitioner claiming the land over which the brother of the informant was getting the pillar installed, to be their own, assaulted him and petitioner inflicted injury by *farasa* on the neck and head of Ashok Singh. When the informant and others



went to rescue the injured they were also beaten and injured by the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. Petitioner is in custody since 18.07.2025. It is further submitted that from the FIR it is apparent that there is no intention to kill but in the heat of the moment when the parties fought this occurrence has taken place and the deceased had died after five days of the occurrence. It is also submitted that no offence under Section 103(1) BNS is made against the petitioner.

5. Learned counsel for the State and the learned counsel for the informant have vehemently opposed the bail application and submit that the petitioner is the assailant of the deceased.

6. Considering the fact that the petitioner is the assailant of the deceased, this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, this application for regular bail stands rejected.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations



shall not be construed as an expression on the merits of the case
and shall not influence the trial or any other proceedings in any
manner.

(Sandeep Kumar, J)

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