

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2765 of 2026

Arising Out of PS. Case No.-21 Year-2025 Thana- GOPALPUR District- Gopalganj

Aditya Kumar S/O Late Upendra Kushwaha Resident of Village- Gareya
Khal, P.S- Gopalpur, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Shekhar, Adv.
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Informant	:	Mr. Shubhesh Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner, learned
A.P.P for the State as well as learned counsel for the
informant.

2. The petitioner seeks bail in connection with
Sessions Trial No. 681 of 2025, arising out of Gopalpur P.S.
Case No. 21 of 2025 dated 22.01.2025 registered for the
offence punishable under Sections 126(1), 115(2), 109(1),
351, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
Further, Section 103(1) of the B.N.S. was added later on.

3. As per the prosecution case, in the background
of land dispute, the petitioner and other family members
assaulted the informant and his family members and it is



further alleged that the petitioner assaulted on the back side of the head of the deceased Pankaj Kumar with iron rod causing fracture on his head. During course of treatment, the deceased died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is case and counter case between the parties. The counter case bearing Gopalpur (Gopalganj) P.S. Case No. 22 of 2025 has been lodged by the petitioner himself. The allegation in the counter case is that Durga Bhagat and Virendra Bhagat assaulted with *lathi* and iron rod on the person of the father of the petitioner i.e., the informant due to which he sustained grievous injury and died during the course of treatment. It is submitted that said Durga Bhagat and Virendra Bhagat have been granted bail by this Court vide Criminal Miscellaneous No. 33318 of 2025 and Criminal Miscellaneous No. 61093 of 2025 respectively. Learned counsel for the petitioner vehemently submitted that there is specific allegation against the petitioner that he assaulted with iron rod on the back side of the head of the deceased. The post-mortem report does not



support the prosecution case. The ante-mortem injury found by the Doctor shows two injuries:- (i). Contused swelling over forehead of size 6cm x 4cm, on cutting skin underneath hematoma with skull bone fractured, brain membrane hematoma present. (ii). Contused swelling over both eye all around, on cutting skin underneath hematoma present. There is no mention about the injury on the back side of the head. It is further submitted that in paragraph nos. 63 and 64, the witnesses Shiv Prasad Bhagat and Ram Pujan Bhagat stated that there was a free fight between the parties due to land dispute. Further, it is submitted that the informant is the grandfather of the petitioner and the petitioner is a young boy aged about 24 years. The petitioner is in custody since 23.01.2025, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State and learned counsel for the informant opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he assaulted on the head of the deceased due to which he died. The post-mortem report



supports the allegation against the petitioner. It is further submitted that ante-mortem injury reveals the skull bone fracture caused due to assault by the petitioner. There is only one assault on the person of the deceased. Further, it is submitted that in the counter case, there is allegation against two persons of assaulting on the head of the father of the petitioner but single injury was found on the head of the deceased and for that reason, the petitioners of the counter case were granted bail.

6. Having considered the submissions of learned counsel for the parties and the relation of the parties as well as ante-mortem injury found on the person of the deceased, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII, Gopalganj in connection with Sessions Trial No. 681 of 2025, arising out of Gopalpur P.S. Case No. 21 of 2025, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every



date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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