

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No.186 of 2026

(Arising out of Bhore P.S. Case No. 01 of 2026, registered U/S 115 (2), 126(2), 118(2), 109, 351(2) and 352/3(5) of the B.N.S.)

In the matter of :-

Name of the petitioner : Omi Jaisawal.
F.I.R. U/S : 115 (2), 126(2), 118(2), 109, 351(2) and 352/3(5) of
the B.N.S.
Charge-Sheet U/S : Not submitted.
Counsel for the Petitioner : Shri Uday Kumar, ld. Adv.
Counsel for the State : Shri Deo Vansh Giri, ld. P.P.

ORDER

21-04-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 19-02-2026, in connection with Bhore P.S. Case No. 01 of 2026, registered U/S 115 (2), 126(2), 118(2), 109, 351(2) and 352/3(5) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on the basis of written application of the informant, Bhore P.S. Case No. 01 of 2026 has been lodged against the petitioners and other. It is inter alia alleged in the F.I.R. that on 31-12-2025 at about 06:30 pm, informant was at the shop of his nephew situated at Bhore. In the meanwhile, petitioner Omi Jaiswal and accused Ashu Mishra came at the shop of informant's nephew and purchased cloth and started going without making payment. When informant's nephew asked payment, petitioner Omi Jaiswal and accused Ashu Mishra while abusing started assaulting him and petitioner Omi Jaiswal called accused Sankesh Jaiswal and Murli Jaiswal by making call and on call, they along with 2-3 other unknown persons came there armed with lathi-danda and dab and they along with other accused slammed him down by assaulting. In the meanwhile, petitioner Omi Jaiswal attacked in the abdomen of informant's nephew with dab and unknown person started assaulting with lathi-danda as a result of which informant's nephew sustained severe injury.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that there is no allegation of assaulting against the petitioner and there is no any specific overt-act attributed against him. It is further submitted that no offence U/S 109 B.N.S. is made

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out against the petitioner and the allegation against the petitioner is general and omnibus. It is further submitted that petitioner has got no criminal antecedent, whereas on behalf of petitioner, it was orally submitted that due to lack of knowledge, Paravikar could not provide details of criminal history of the petitioner but petitioner has four criminal antecedents. It is lastly submitted that petitioner is in custody since 19-02-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioners. During the course of hearing of this bail matter, one Saddam Hussain appeared before the court from the informant side along with ld. Counsel and filed discharge slip of Shanvi Hospital and Maternity Center along with affidavit and in the affidavit, he has stated that on the alleged date, his brother was sent to Shanvi Hospital, Gorakhpur, who was discharged from where after 10 days and he strongly opposed the bail prayer of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that petitioner is named in the F.I.R. against whom there is allegation that he has allegedly attacked in the abdomen of informant's nephew with dab and he sustained severe injury. Informant at para-04 of the case diary and injured witness as para- 20 of the case diary have repeated the version of the prosecution. Witnesses at para- 08 and 09 of the case diary have supported the case of the prosecution and they have stated that due to the dispute of outstanding money, occurrence took place. There is mention of injury report of injured at para-21 of the case diary. Informant filed a petition stating therein that he was treated at S.S. Health Care, Bhore then referred to Gorakhpur and report received from the C.S., Sadar, Hospital, Gopalganj, it was informed to the court that injured was not treated in Referral Hospital, Bhore or Sadar Hospital, Gopalganj. During the course of hearing of this bail matter, informant appeared before the court but no further injury has been submitted on behalf of the informant rather informant has submitted a discharge paper of Shanvi Hospital, which shows that in the column of history and complaints, "no significant" has been mentioned and in column of operative procedure/treatment, "exploratory laparotomy left" is mentioned which is

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the type of test to find out any internal injury. Moreover, the informant did not submit any injury_report accept discharge paper which shows only that “to sustain penetrating injury over flank left side”. While informant asserted he got operated, it appears that there is contradiction between the allegation and injury report but this is a point, where the decision should be made based on merit. Para-44 of the case diary shows that petitioner has got four criminal antecedents. It appears that there is some previous dispute between the parties as mentioned at para-47 of the case diary. From perusal of the record, it appears that co-accused Sanket Jaiswal @ Sankesh Jaiswal and Murli Jaiswal @ Krishna have been granted bail in B.P. No. 69 of 2026. The petitioner appears to be custody since 19-02-2026 and trial will take considerable time.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of the case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Id. Court below **subject to conditions that one of the bailers shall be close relative of the petitioner and one shall be local and they will file an undertaking that he will cooperate in the investigation or trial and he will not temper with the evidence.**

Let a copy of this order along with lower court record be sent to the Id. Lower court for information and needful.

(Dictated)

(Geeta Gupta)

Principal Sessions Judge, Gopalganj.