

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 383 of 2026

(Arising out of Thawe P.S. Case No. 170 of 2025, registered U/S 329(3), 126(2), 115(2), 74, 303(2), 352, 351(2) and 105/3(5) of the B.N.S.)

In the matter of :-

Name of the petitioner:	Madan Prasad.
F.I.R. U/S	: 329(3), 126(2), 115(2), 74, 303(2), 352, 351(2) and 105/3(5) of the B.N.S.
Charge-Sheet U/S	: not submitted.
Counsel for the Petitioner	: Shri Viresh Kumar, Id. Adv.
Counsel for the State	: Shri Deo Vansh Giri, Id. P.P.

ORDER

23-05-2026

1. This Bail Application filed on behalf of above named petitioner, who is in judicial custody since 08-04-2026 in connection with Thawe P.S. Case No. 170 of 2025, registered U/S 329(3), 126(2), 115(2), 74, 303(2), 352, 351(2) and 105/3(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, Thawe P.S. Case No. 170 of 2025 has been lodged against the petitioner and others. It is inter alia alleged in the F.I.R. that on dated 31-07-2025 at about 06:30 pm, informant was sitting at his door. In the meanwhile, accused Satendra Kumar Singh, who is the villager of the informant was going while abusing the informant and his family members. When informant made protest, accused Satendra Kumar Singh, Munna singh and Suresh Singh armed with lathi-dand came at the door of the informant and started abusing. When informant made protest, accused Stendra Kumar Singh assaulted the informant with lathi and he sustained injury in his hand and accused Munna Singh assaulted the informant and informant sustained injury on his shoulder and other parts of bodies. Having seen the incident, informant's brother Suman Tiwari rushed to save the informant, who was also assaulted by the accused persons and he sustained injuries. When wife of Suman Tiwari namely Pintu Devi rushed to save the informant, accused Satendra Kumar Singh slammed her down by catching her hair and torn her cloth due to which she became half naked. When informant went save Pintu Devi, accused Satendra Kumar Singh snatched gold-chain from the neck of the informant with intention to commit theft. It is alleged that all the accused persons were threatening to kill the informant. It is alleged that cause of the dispute is that all the accused persons had overturned the dam/barrier with the tractor.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in

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this case. It is further submitted that petitioner has got no criminal antecedent and he bears clean past. It is further submitted that the said case was registered U/S 329(3), 126(2), 115(2), 74, 303(2), 352, 351(2)/34 of the B.N.S. and police arrested the two accused Munna singh and Satendra Singh and forwarded them to judicial custody and bail of these accused persons was moved before the ld. C.J.M., Gopalganj, who were granted bail by the ld. C.J.M., Gopalganj and later on one accused Suresh Singh surrender with prayer of bail, who was also granted bail by ld. C.J.M., Gopalganj. It is further submitted that ld. C.J.M., Gopalganj discussed the P.M. report and found death is not caused to homicide injury, hence, the is not comes under the provision of Sec. 105 B.N.S. It is further submitted that petitioner is not named in the F.I.R.R even police arrested the petitioner and forwarded to judicial custody but ld. C.J.M., Gopalganj rejected the bail application of the petitioner. It is further submitted that F.I.R. goes to show that alleged occurrence in taken place on 31-07-2025 and petitioner was filed on 01-08-2025 which was lodged after 24 hours and there is specific allegation of assaulting against accused Satendra Kumar Singh, Munna Singh and Suresh Singh. It is further submitted that in the statement of Parash Pathak, Binda Bhagat and Ram Narain Pd. At para-09, 10 and 11 of the case diary, name of the petitioner was given and after more then about 08 months, the police became active and forwarded to judicial custody. It is further submitted that in para-44 and 45 of the case diary, there is statement of accused Pintu Devi and Sheoji and they have named the petitioner. It is lastly submitted that petitioner is aged about 75 years and he is in custody since 08-04-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel for the petitioners as well as ld. Counsel for the informant along with ld. P.P. for the State. Ld. P.P. for the State as well as informant side opposed the prayer for bail 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 although, petitioner is not named in the F.I.R. but his name has surfaced in the statement of witnesses at para-43 and 44 of the case diary and in their statement, they have stated that however, petitioner along with other accused persons came at the door of the informant but they have not alleged specific against the petitioner. It further appears that both the parties belong to same village and the incident has happened due to the dispute of overturning the dam/barrier by the tractor. Informant and witnesses at para-03, 09, 10 and 11 of the

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case diary have repeated the version of the prosecution and they have not named the petitioner. Para-22 of the case diary shows that one injured Suman Tiwari succumbed to death during the course of treatment and para-36 of the case diary shows that Sec. 105 B.N.S. has been added. From perusal of the post-mortem report at para-60 of the case diary, it appears that all viscera sample are preserved and F.S.L. report has been received and F.S.L. report shows that nothing is found. Medical treatment report shows that deceased was treated at CHC, Thawe, Gopalganj, from where, they went to Banarash as well as P.M.C.H. and the Doctor of Banarash Hospital has diagnosed regarding deceased person as water loose stool, pain in abdomen, weakness and fever and expressed abrasion of Pancreatitis and Ultrasound report shows that organs was normal size and shape and impression was found to be Minimal ascites. Similarly, from the prescription of the P.M.C.H. shows that the deceased had fever from 4 days, watering loose stool and pain in abdomen. Moreover, Post-mortem report does not show any external injury on the body of the deceased and abrasion on dorsum of left foot of size 1 cm x 05 cm small size abrasion fifth and second toe of right foot of size 0.5 cm x 0.5 cm and penis swelling of size 10 cm x 4 cm diameter and scrotum swelling of size 4 cm x 3 cm and Exudative fluid present in abdomen cavity and no free blood present, abdomen contained fluid, small intestine contained fluid and inner wall normal, large intestine contained fluid and inner wall normal, Liver, spleen and Both kidney intact and congested Urinary bladder empty and serous fluid collection in scrotal sac and penil swelling and no subcutaneous and muscular hematoma in scrotal and penis are found. From perusal of the F.I.R., it appears that from the perusal of the petition for F.I.R., it transpires that petitioner is typed written petition with detailed well discuss occurrence. But the name of the petitioner has not been mentioned in this occurrence by any way and in witness statement as mentioned at para-03, 09, 10, 11 and 17 of the case diary, the name of the petitioner has not come in any manner. But suddenly, from para-43 and 44 of the case diary, it has been stated by the witnesses that the petitioner was also there which suggests that informant/witness has tried to develop the prosecution story. From the material available on record at this stage, the complicity of the petitioner in the alleged offence is doubtful. From perusal of the record, it appears that co-accused Munna Singh, Satendra Singh and Suresh Singh, who are named in the F.I.R. , have been granted bail by Id. C.J.M., Gopalganj. It further appears that there is case and counter-case between the parties and it is admitted fact that free-fight has taken place between the parties and it may be the case of culpable

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homicide but this is subject matter of the merit and this is a case of free-fighting between the parties. The petitioner appears to be in custody since 08-04-2026.

6. Considering the aforesaid facts and circumstance of this case and considering the period of custody of the petitioner, 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 ld. Court below **subject to conditions that one of the bailors shall be close relative of the petitioner and one shall be local with further condition that he shall remain present on each and every date before the ld. Court below except exceptional condition if he fails two consecutive dates, ld. Court below is at liberty to cancel the bail bonds of the petitioner with further condition that petitioner will give an undertaking that he shall not temper with the evidence and he shall co-operate in the investigation/trial.**

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

(Dictated)

(Geeta Gupta)

Principal Sessions Judge, Gopalganj.