

Schedule XLII-High Court (J) 9a [Old (M) 164.]

FORM OF ORDER SHEET

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE- IIIrd, NALANDA

Present:- Ankur Gupta, District & Addl. Sessions Judge – IIIrd Nalanda at Bihar Sharif.

B.P. No. 666/2026

Golu Kumar V/s State of Bihar

Sohsarai P.S. Case No. 91/2026

Sl No.	Date of Proceeding	Order with the signature of the Court	Office action taken with date
1	2	3	4
	15.06.2026	Sri Ravi Raman, Learned Counsel for the petitioners. Sri Amir Singh, Learned Addl.P.P for the State. (1) This regular bail application has been filed on behalf of the petitioner namely 1. Golu Kumar @ Rahul Raj Gupta, S/o.- Batoran Manoj Prasad @ Manoj Prasad Gupta @ Transport, Resident of Mohall- Asha Nagar, P.S.- Sohsarai, Dist.- Nalanda, who is in custody in connection with Sohsarai P.S. Case No. 91/2026 registered U/S- 105 B.N.S. <u>PROSECUTION CASE</u> (2) The prosecution case, in brief, is that on 31.03.2026, at about 2:00 PM, the informant's son, Arnab Kumar, had gone to his maternal grandmother's house to bring a Bullet motorcycle. While returning, Golu Kumar was also accompanying him. It is alleged that Golu Kumar had been moving around with Arnab Kumar for the preceding three to four days. It is further alleged that on 31.03.2026, at about 6:30 PM, the informant came to know that her son was lying near the Tata showroom, from where the police had taken him to Bihar Sharif Sadar Hospital, where the doctor declared him dead. The Bullet motorcycle was found near Shri Ram Petrol Pump, and the mobile phone of the deceased was missing. It is alleged that the mobile phone was in the possession of Golu Kumar and was switched off. The informant has further alleged that she believes that Golu Kumar had mentally pressured and harassed the deceased, due to which Arnab Kumar died. <u>SUBMISSION OF THE COUNSEL OF THE PARTIES</u>	

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	(3) The learned counsel for the petitioner has prayed for grant of bail and has submitted as under: ● That the petitioner is innocent and has not committed any offence. ● That the petitioner does not have any criminal antecedent. ● That prior to the present bail application, no anticipatory bail or regular bail petition had been filed by the petitioner before any court. ● That the petitioner voluntarily surrendered on 07.04.2026 and has remained in judicial custody since then. ● That the entire prosecution case against the petitioner is based on conjectures and surmises. ● That there is no evidence regarding any mental harassment or torture by the petitioner. ● That the FIR has been lodged on the basis of a misunderstanding. ● That the petitioner has been implicated due to local village politics. (4) On the other hand, the learned APP has vehemently opposed the bail petition and submitted that the offence is serious in nature and, therefore, the petitioner ought not to be released on bail. <u>MATERIAL ON RECORD AND FINDINGS</u> (5) From the perusal of the record, it transpires that neither the informant nor any of the witnesses has actually witnessed the occurrence. In the FIR, the only allegation against the petitioner is that he was accompanying the deceased and had been roaming with him for the preceding three to four days. In paragraph 8 of the case diary, it has been stated that upon perusal of the CCTV footage, it was observed that two boys were riding a motorcycle and came in front of the shop of Sumit, where they parked the Bullet motorcycle. Thereafter, both boys were seen proceeding behind the Tata showroom. Upon examination of the CCTV footage installed at the Tata showroom, it was seen that the	
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	two boys were walking and later sat beneath a tree. In the third video clip, one of the boys was seen falling down, while the other was attempting to help him stand up. One of these boys was identified as the deceased, Arnab Kumar, and the other as the petitioner, Golu Kumar. The post-mortem report has been reproduced in paragraph 39 of the case diary. The following external injuries were found on the dead body: • Abrasion present over the left knee measuring approximately 2 cm × 1 cm. • Abrasion present over the left forearm measuring approximately 0.5 cm × 0.5 cm. On dissection, the skull was found intact. Blood and blood clots were present in the cranial cavity of the brain. No injury was found on the neck. The ribs and lungs were intact, though the lungs were congested. Blood was present in all chambers of the heart. Undigested food material was present in the stomach. The solid organs were intact, and the urinary bladder was half-filled with urine. The opinion regarding the cause of death is that it occurred due to head injury, as described above, caused by a hard and blunt substance. However, no external head injury has been specified in the post-mortem report. Thus, from the post-mortem report, there is no evidence of any external injury except the abrasions on the forearm and knee, which, prima facie, could not have been the cause of death. There are no signs of assault on the dead body. The CCTV footage also does not disclose any assault or altercation between the petitioner and the deceased. Rather, the petitioner can be seen attempting to help the deceased after he had fallen down. The only allegation against the petitioner is the vague assertion of the informant that she believes the deceased died due to pressure allegedly	
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exerted by the petitioner. There is no allegation of any prior enmity between the petitioner and the deceased. No material has been brought on record to indicate any specific act of harassment, intimidation, or instigation attributable to the petitioner and most importantly the CCTV footage does not show any assault by the petitioner rather the petitioner was seen trying to pick up the deceased. Post mortem report also does not show any injury except abrasions on forearm and knee.

(6) Considering all the aforesaid facts and circumstances, this Court is of the view that the petitioner has made out a fit case for grant of bail.

Accordingly, the bail petition is **allowed**. Let the petitioner, **Golu Kumar**, be released on bail on furnishing a bail bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned court concerned.

Let a copy of the present order be sent to the court concerned.

Order be uploaded on CIS.

(Dictated & Corrected)

(Ankur Gupta)

District & Additional Sessions Judge-III
Nalanda, Bihar Sharif

Date of Judgment/Order	15.06.2026
Date of Reserving Judgment/Order	15.06.2026
Uploading date	16.06.2026
Uploaded by	Kanchan Kumari