

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55209 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- KHUSRUPUR District- Patna

1. Parmeshwar Yadav Son Of Ramkhelawan Yadav Resident Of Kisnauta Tola, Baikatpur, P.S. - Khusrupur, District - Patna
2. Suraj Kumar Son of Gopal Ram Resident Of Kisnauta Tola, Baikatpur, P.S. - Khusrupur, District - Patna
3. Banti Gop Son Of Gopal Gop Resident Of Kisnauta Tola, Baikatpur, P.S. - Khusrupur, District - Patna
4. Vakil Gop Son Of Gopal Gop Resident Of Kisnauta Tola, Baikatpur, P.S. - Khusrupur, District - Patna
5. Vishwanath Gop Son Of Saryug Gop Resident Of Kisnauta Tola, Baikatpur, P.S. - Khusrupur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Pintu Kumar Patel, learned counsel for

the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Khushrupur P.S. Case No. 183 of 2023 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

3. The prosecution case is based on the written report
of the informant alleging therein that he got information that
some miscreants entered into the house of one Manish Kumar



and while they were assaulting Manish Kumar and his mother, the villagers reached there, whereupon the miscreants succeeded in fleeing away. However, one Subham Kumar was apprehended by the villagers and brutally assaulted by them, who later on succumbed to his injuries on 14.05.2023.

4. Learned counsel for the petitioners submits that from the FIR, it is evident that the alleged occurrence took place on 08.05.2023 but the FIR has been instituted on 14.05.2023 just after the death of the deceased Subham Kumar, that too at the behest of the Chowkidar. He further submits that none of the family members of deceased Subham Kumar has filed any complaint, whatsoever, but only because of the fact that the deceased has died in police custody, therefore, this FIR has been instituted implicating the name of the petitioners. He also submits that the petitioners are men of fair antecedent and, moreover, death of Subham Kumar has taken place in the police custody, warranting a judicial enquiry, but the same has also not been done.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioners, who have assaulted the deceased resulting into his death.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the occurrence took place on 08.05.2023 but the FIR has been instituted only after the death of the deceased, who died in the police custody, coupled with the fair antecedents of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City in connection with Khushrupur P.S. Case No. 183 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with a further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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