

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58777 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Prabhat Ranjan Son of Shankar Saw Village- Bhagwat Sah Tola, Singhiya Chowk, P.S.- Nara Ram Nagar, Safiya Sarai O.P., Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59036 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Raushan Kumar @ Raushan Kumar Raj Son of Late Kaushal Saw @ Kaushal Gupta Village- Bhagwat Sah Tola, Singhiya Chowk, P.S.- Naya Ram Nagar, Safiya Sarai O.P. Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59667 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Sohan Kumar @ Sohan Saw @ Sahan Sah Son of Shankar Saw R/V-Village- Bhagwat Sah Tola, Singhiya Chowk, PS- Naya Ram Nagar (Safiya Sarai O.P.), Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60101 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

1. Rajesh Kumar @ Rajesh Saw Son of Sitaram Saw Resident of Village- Singhia, P.S. - Nayaramnagar, District- Munger
2. Saurav Kumar @ Gautam @ Gautam Kumar Son of Yasvant Saw Resident of Village- Singhia, P.S. - Nayaramnagar, District- Munger



- 3. Ankit Kumar @ Ankit Raj Son of Ajay Kumar Nirala Resident of Village-
Singhia, P.S. - Nayaramnagar, District- Munger
- 4. Raushan Kumar @ Raushan Raj Son of Vijay Sah Resident of Village-
Singhia, P.S. - Nayaramnagar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 60698 of 2024

Arising Out of PS. Case No.-149 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Shankar Saw @ Shankar Sah Son of Late Chhotan Sah Resident of Village -
Bhagwat Sah Tola, Singhiya Chowk, P.S. - Naya Ram Nagar (Safiya Sarai
O.P.), District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58777 of 2024)

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Sr. Advocate
: Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 59036 of 2024)

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 59667 of 2024)

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 60101 of 2024)

For the Petitioner/s : Mr. Narsingh Tanti, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 60698 of 2024)

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard the parties.

2. The petitioners are apprehending their arrest in
connection with Naya Ram Nagar (Safiya Sarai O.P.) P.S. Case



No. 149 of 2022, F.I.R. dated 11.08.2022 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant stated before the S.H.O. Nayaram Nagar P.S. (Safiabad O.P.) that on 10.08.2022 one Prabhat Ranjan, s/o. Shankar Sah called his son Manish Kumar, aged about 16 years and took him to his own house and he assaulted him badly as a result when he was being taken to hospital, he died. He has no knowledge about the reason of assault. He named ten accused persons who have committed the offence.

4. Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to previous enmity between the parties (Naya Ram Nagar P.S. Case No. 142 of 2022). He further submits that as per the allegation in the FIR, the deceased was last seen with the petitioner, namely, Prabhat Ranjan and thereafter the dead body of the deceased was found in his own house. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of the suspicion and due to previous enmity the petitioners and others family members have been falsely implicated in the present case. He further submits that co-accused person, namely,



Kaushal Sah @ Kumar Kaushal has been granted bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 58363 of 2023. He further submits that the deceased has committed suicide himself. He further submits that the police after investigation has submitted a charge-sheet under Section 306 of the Indian Penal Code against Kaushal Sah @ Kumar Kaushal and Santosh Kumar and investigation is going on against these petitioners.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submit that there is sufficient material has come during the investigation to suggest the involvement of the petitioners in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Munger in connection with Naya Ram Nagar (Safiya Sarai O.P.) P.S. Case



No. 149 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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