

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9943 of 2025

Arising out of PS. Case No.-217 Year-2024 Thana- ISUAPUR District- Saran

Jai Shankar Prasad S/o Chandrika Prasad R/o Village- Fenahari Gaddi, P.S.-
Taraiya, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate Mr. Kumar Rajdeep, Advocate
For the Informant	:	Ms. Shweta, Advocate Mr. Pranjal Kumar, Advocate
For the Opposite Party/s:		Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-07-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prose-
cutor for the state.

2. The petitioner seeks bail in Isuapur P.S. Case No.
217 of 2024 instituted for the offences under Sections 103(1)
and 3(5) of BNS, 2023 pending before the concerned Judicial
Magistrate, 1st Class/Court concerned, Saran at Chapra. He has
no criminal antecedent.

3. As per the prosecution case, it is alleged that the pe-
titioner along with co-accused persons namely Teras Sahani and
Kamlesh Manjhi have killed the father of the informant slitting
the head with sharp edged weapon on account of some dispute



with regard to fishing in the "Dabara" River of his village.

4. It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and the petitioner has falsely been implicated in this case on a subsequent statement meant to falsely implicate him. It is further submitted by learned counsel for the petitioner that there is no specific overt act of killing the father of the informant upon the petitioner as per the FIR, whereas the specific alleging of killing the father of the informant is upon Teras Sahani and Kamlesh Manjhi, however, there is no eye-witness to the occurrence. It is also submitted by learned counsel for the petitioner that there is admitted dispute with regard to fishing in the river of village and the name of the petitioner has surfaced in the present case only on the basis of statement of grandmother of the informant that too belatedly as an afterthought. He further submits that even if we take the said statement into account, the grandmother had seen Saleekh with Dabia and Petitioner was only accompanying him. Moreover, the confessional statement by co-accused have no evidentiary value. It is lastly submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent and he is in custody since 19.09.2024.

5. Learned Additional Public Prosecutor for the State



as well as learned counsel for the Informant have opposed the prayer for bail and have submitted that the allegation of killing the deceased by slitting his neck is upon Petitioner and his brother along with two other co-accused persons namely Teras Sahani and Kamlesh Manjhi with sharp edged weapon, as such, the petitioner should not be released on bail. He further states that charges have already been framed against the Petitioner and others.

6. Considering the aforesaid submissions of learned counsels and there being no specific allegation against the petitioner, let the petitioner, above named be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class/Court concerned, Saran at Chapra in connection with Isuapur P.S. Case No. 217 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

Vikash/-

(Sourendra Pandey, J)

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