

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5442 of 2025

Arising Out of PS. Case No.-272 Year-2024 Thana- RAGHOPUR District- Vaishali

1. Rama Shankar Rai son of Late Dev Nandan Rai Village- Jafarabad Dih, Ps- Raghobpur (Rushtampur op), Dist- Vaishali, at Present R/V- and Ps- Deedarganj, Dist- Patna.
2. Jaga Thakur Son of Late Mahtab Thakur Village- Jafarabad Dih, Ps- Raghobpur (Rushtampur op), Dist- Vaishali, at Present R/V- and Ps- Deedarganj, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Chandra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Raghobpur (Rustampur) P.S. Case No. 272 of 2024, FIR dated 14.09.2024, registered for the offences punishable under Sections 103, 238 and 61(2) of the Bhartiya Nyaya Sanhita (BNS), 2023.

3. The prosecution case as emerges from the FIR is that, the co-accused persons including the petitioners have killed the husband of the informant and thrown his dead body at the



outskirt of Ganga river.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on account of previous land dispute. He further submits that the informant is not the witness to the occurrence and there is contradiction between the allegation levelled in the FIR and the *post-mortem* report. As per *post-mortem* report, drowning is the cause of death of the deceased. He also submits that petitioners have been named in this case merely on the account of suspicion and previous land dispute.

5. He further submits that the petitioners have been languishing in jail since 14.09.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner no. 1 has no criminal antecedent but, petitioner no. 2 has earlier been made accused in one other case.

7. It has also been stated in paragraph no. 2 of the bail petition that the petitioners have not moved before this Court earlier either for anticipatory bail or regular bail.

8. However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

9. Considering the aforesaid facts and



circumstances, **this application is allowed**, directing the petitioners, above named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties on the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur, in connection with **Raghopur (Rustampur) P.S. Case No. 272 of 2024** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer / Court as and when required.

(ii) The petitioners will undertake that investigation / trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the Court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iv) In case, it is brought to the notice of the Court below that the petitioners have criminal antecedents, other than the disclosed one, learned Court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied



that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

Ravi /
Shahnawaz/-

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