

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4995 of 2025

Arising Out of PS. Case No.-681 Year-2024 Thana- DIGHA District- Patna

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1. Rahul Kumar S/o Sanjay Kumar @ Sanjay Kumar Sharma R/o Mohalla - Rajeev Nagar, P.S. - Rajeev Nagar, Distt.- Patna
 2. Abhimanu Kumar S/o Lalchand Yadav @ Lala Chand Yadav R/o vill - Kaundol, P.S. - Kurtha, Distt.- Arwal
 3. Garden Kumar Manjhi S/o Rampujan Manjhi @ Pujan Manjhi R/o vill - Pratappur, P.s. - Awtar Nagar, Distt.- Saran
 4. Rajiv Kumar @ Rajesh Kumar S/o Rambalak Yadav R/o vill - Gopalpur, P.S. - Pakaribarawan, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate Mr.Amresh Kumar, Advocate Mr.Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr.Bishweshwar Ram, APP
For the Informant	:	Mr.Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 15-07-2025 Heard Mr. Ramakant Sharma, learned Senior Counsel

for the petitioners, learned counsel for the informant and learned

Additional Public Prosecutor for the State.

2. In pursuance to the order dated 17.06.2025 of this Court, the Senior Superintendent of Police, Patna has filed a show cause reply stating therein that in compliance of the orders of this Court, the S.H.O., Digha police station vide his letters dated 03.05.2025, 23.05.2025 and 14.06.2025 has requested the Director, F.S.L. to provide CCTV footage as well as the D.V.R.



of the present case though despite such request till date, the same was not submitted. It has further been submitted through the show cause that the S.S.P., Patna vide Memo No. 1729 dated 24.06.2025 requested Director, F.S.L. to provide C.C.T.V. footage as well as D.V.R. In compliance of the order of this Court, however, the same has not been made available by the Forensic Science Laboratory and hence, it could not be submitted before this Hon'ble Court.

3. In view of the same, as the application of the petitioners are pending for almost last seven months, this Court is constrained to hear the bail application on the materials available on record as on date.

4. The petitioners seek bail in a case registered for the offences under Sections 103, 3(5) of B.N.S.

5. As per the prosecution case, the informant gave written report alleging therein that he is running grocery shop and his son had gone out for having his meal and when his son did not return, the informant along with others started searching for him, however, they could not locate the son of the informant and subsequently, the informant learnt that his son along with Rohit Kumar had entered a transformer repairing workshop for committing theft and there, the owner of the shop namely Rahul



Kumar (petitioner no. 1) and others namely Rajiv Kumar (petitioner no. 2), Abhimanu Kumar (petitioner no. 3) and Garden Kumar Manjhi (petitioner no. 4) together assaulted the son of the informant and his companion and left them grievously injured and then the police with the help of local people had taken the informant's son and one other to the Sub-divisional Hospital, Danapur where they were declared dead.

6. Learned Senior Counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case and it was on account of theft being committed by the two deceased persons that the local people who had gathered in numbers had brutally assaulted the son of the informant and one another person, which ultimately led to their death. Learned counsel further submits that there is no specific allegation against the petitioners. It is lastly submitted that the petitioners have clean antecedent and are in custody since 27.09.2024.

7. Learned counsel for the informant as well as Learned APP for the State have jointly opposed the prayer for bail of the petitioner and have stated that from perusal of the case diary it is evident that the petitioners assaulted the informant's son with iron rods and other weapons due to which he died. It is further submitted by learned counsel for the



informant that from the CCTV footage, it is evident that the informant's son and his accomplice were mercilessly assaulted by the petitioners, hence, the petitioners should not be released on bail.

8. Considering the aforesaid facts and circumstances of the case and taking into account that there is general and omnibus allegation against the petitioners, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) on each of them with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Digha P.S. Case No. 681/2024 subject to the conditions :-

- a. One of the bailors of the petitioners shall be their close relative.
- b. The petitioners shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.



d. 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 bond of the petitioners. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

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

(Sourendra Pandey, J)

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