

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4187 of 2025

Arising Out of PS. Case No.-462 Year-2023 Thana- SUGAULI District- East Champaran

Surenbra Kumar Shankar Sah Resident Of Village- Raghunathpur, PS-
Turkauliya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. The petitioner apprehends their arrest in a case registered for the offence under Sections 363, 364, 506/34 of the Indian Penal Code .

3 . As per written report of informant, on 23.10.2023, her son was kidnapped by co-accused Smita Devi and Rishabh Kumar. It is further alleged by informant that her son used to talk to Smita Devi, which was objected by Rishabh Kumar, for which her son and said Rishabh Kumar had quarreled one month earlier and Rishabh Kumar had threatened her son to kill and as such, conspiring with each other, co-accused Smita Devi and Rishabh Kumar called her son and might have killed her son .



4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. It is a specific case of the informant that FIR-named co-accused persons have kidnapped and killed her son . The name of the petitioner transpired during course of the investigation on the basis of the confessional statement of co-accused Akhilesh Bhagat. It is further submitted that during the course of the investigation, the only material that has come against this petitioner is that the dead body of the deceased was carried on the vehicle of this petitioner. There is no allegation that he also participated in the alleged crime or assisted the co-accused persons in the commission of aforesaid crime . Admittedly, the petitioner is a driver of a public carrier, and his livelihood depends on it, and he was simply discharging his duty, but he was falsely implicated in this case merely because the vehicle in question was allegedly used in disposing of the dead body .

5 . Learned A.P.P. for the State has opposed the bail petition .

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 462 of 2023, subject to condition as laid down under Section 482 (2) BNSS 2023 .

(Prabhat Kumar Singh, J)

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