

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8735 of 2025

Arising Out of PS. Case No.-93 Year-2023 Thana- BENIPATTI District- Madhubani

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Arun Kumar Safi @ Arun Safi S/O Sri Ram Kishore Safi @ Ram Kishore
Baitha R/O Vill.- Kerwa, P.S.- Saharghat, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-05-2025 Heard learned counsel Mr. Ajay Kumar Thakur
appearing for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Benipatti P.S. Case No. 93 of 2023 lodged on 08.05.2023, for
the offence punishable under Sections 302, 201 & 34 of the
Indian Penal Code.

3. The allegation in the First Information Report is
that the informant's son namely, Pradeep Kumar was on cordial
terms with the accused persons including the petitioner who
were all involved in illegal liquor business and it has been
alleged that the informant's son had accompanied the petitioner



on a motorcycle along with other accused persons for attending the marriage of the son of one Kishan Ram. It is further alleged that except her son, all the accused persons returned and on an enquiry, there was no disclosure about his whereabouts. Subsequently, the dead body was recovered and the informant identified the said dead body in the post-mortem house to be that of her son.

4. Learned counsel for the petitioner submits that as many as five persons have been made accused in the present case, including the petitioner as the informant's son had left along with these persons for attending a marriage ceremony. It has been submitted that there was no suspicion raised on the petitioner and others at the time when the deceased left along with them for attending the marriage and also when he did not come back. It is only after his dead body was found that the informant raised her suspicion against the petitioner and other accused persons of having been involved in causing the death of her son. Further, it has also been submitted that there is no eye-witness to the occurrence and even during the course of investigation, no substantive material has been collected to establish the complicity of the petitioner, except the fact that the petitioner and co-accused Amit Kumar were last seen in the



company of the deceased, however, it is also a fact that the dead body of the deceased was found hanging on a tree and the petitioner was not seen anywhere in the vicinity of the said place of recovery of the dead body. In any view of the matter, the petitioner is in custody since 17.10.2024 and charge-sheet has been submitted against the petitioner on 12.01.2025, whereas, the investigation is still pending against co-accused Amit Kumar and some other accused persons.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In view of the present facts and circumstances, considering that there is no eye-witness to the case and petitioner was at best last seen in the company of the deceased, let the above named petitioner, 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 learned Additional Chief Judicial Magistrate, Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 93 of 2023, subject to the further condition that:-

(i) The petitioner would appear physically before the learned Court concerned on each and every date till the charges are framed in this case and in case of absence on two



consecutive dates without sufficient reasons, the learned Court concerned would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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