

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6947 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

Raj Kumar son of Late Bhola Prasad village- Panchapakadiya, Padumpati,
Kala Dumra, P.S.- G.B. Nagar, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 7671 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

Sunil Kumar @ Sunil Prasad S/O Raj Kumar R/O Panchapakadiya,
Padumpati, Kala Dumra, P.S.- G.B. Nagar, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 9049 of 2025

Arising Out of PS. Case No.-560 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

Ajay Kumar S/o Swaminath Prasad R/o Panchapakadiya, Padumpati, Kala
Dumra, P.S.- G.B. Nagar, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :
(In CRIMINAL MISCELLANEOUS No. 6947 of 2025)
For the Petitioner : Mr. Mithilesh Kumar Upadhyay, Advocate
Mr. Raju Prasad, Advocate
For the State : Mr. Rajendra Singh, APP
For the O.P. No.2 : Mr. Jaishankar Palhate, Advocate
Mr. Brajendu Kumar Pandey, Advocate
(In CRIMINAL MISCELLANEOUS No. 7671 of 2025)
For the Petitioner : Mr. Mithilesh Kumar Upadhyay, Advocate
Mr. Raju Prasad, Advocate



For the State : Mr. Rajendra Singh, APP
For the O.P. No.2 : Mr. Jaishankar Palhate, Advocate
Mr. Brajendu Kumar Pandey, Advocate
(In CRIMINAL MISCELLANEOUS No. 9049 of 2025)
For the Petitioner : Mr. Mithilesh Kumar Upadhyay, Advocate
Mr. Raju Prasad, Advocate
For the State : Mr. Rajendra Singh, APP
For the O.P. No.2 : Mr. Jaishankar Palhate, Advocate
Mr. Brajendu Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 All the three petitions are being taken up together and

disposed of by a common order because they arise out of the

same Gautam Budh Nagar P.S. Case No. 560 of 2024.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. The petitioners seek bail in connection with
Gautam Budh Nagar P.S. Case No. 560 of 2024, registered for
the offences punishable under Sections 103(1) and 61(2) of the
B.N.S. Act, 2023.

4. As per allegation, on account of some dispute, the
accused persons including the petitioners called the victim near
north canal and thereafter the petitioners Ajay Kumar and Sunil
Kumar assaulted the victim by rod and bricks respectively on
the head of the victim resulting into his death on the spot.

5. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in this
case. He further submits that there is no specific allegation



against the petitioner, Raj Kumar. The only allegation against him is that he was one of the persons who had called the victim to the north canal. Specific allegation of assault is only against the rest two petitioners, Ajay Kumar and Sunil Kumar.

6. He further submits that the petitioners, Raj Kumar, Sunil Kumar and Ajay Kumar have been languishing in jail since 12.11.2024, 11.11.2024 and 25.11.2024 respectively.

7. It has also been stated in paragraph no. 3 of the bail petition that the petitioner, Raj Kumar in Cr. Misc. No. 6947 of 2025 has been made accused in one other case whereas the Petitioners Sunil Kumar in Cr. Misc. No. 7671 of 2025 and Ajay Kumar in Cr. Misc. No. 9049 of 2025 have no criminal antecedents.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

9. However, learned APP for the State as well as learned counsel for the O.P. No.2 vehemently oppose the prayer of the petitioners for bail submitting that the alleged offence is serious in nature and the allegation of the said assault is corroborated by medical evidence, as per which the death of the victim has been caused by hemorrhage and shock due to injuries



caused by hard and blunt object.

10. I considered the rival submission of the parties and perused the material on record.

11. I find that the specific allegation of assault is only against the two petitioners, Sunil Kumar and Ajay Kumar and the only allegation against the petitioner, Raj Kumar is that he was one of the persons who had called the victim to the north canal where he was assaulted.

12. Considering the nature of specific allegation against the petitioners, Sunil Kumar and Ajay Kumar corroborated by medical evidence, the applications for bail of Sunil Kumar and Ajay Kumar are **rejected**. However, the bail petition of the petitioner, Raj Kumar is **allowed**, directing the petitioner, Raj Kumar, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Siwan in connection with Gautam Budh Nagar P.S. Case No. 560 of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his



absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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 petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J.)

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