

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8072 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- SULTANGANJ District- Bhagalpur

1. Mukesh Kumar @ Mukesh Bind Son of Prakash Bind, Resident of Village - Nonsar Asiachak, P.S. - Sultanganj, District – Bhagalpur.
2. Naresh Bind @ Kareeba Bind @ Naresh Son of Chunchun Bind @ Chuno Bind, Resident of Village - Nonsar Asiachak, P.S. - Sultanganj, District – Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Allama Abdul Quadir Jamal Faridi, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS, 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his father runs a tea stall and on 26.09.2024, his father went to the hand-pump for collecting water, when Chandan, Mukesh, Dharo, Naresh and Prakash came and an altercation took place and thereafter, the accused persons assaulted his father on account of which blood started oozing



from his mouth and he became unconscious, further alleges that during the course of treatment his father died.

4. Learned counsel appearing on behalf of petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioner is not an eyewitness to the occurrence as he has stated that he was informed by villagers that his father was being assaulted and thereafter, he came to the place of occurrence and saw his father lying in an unconscious state. It is further submitted that the FIR does not even remotely suggest that as to who disclosed to the informant about the occurrence, nor the FIR specifies that on what basis the informant came to know about the participation of the petitioners in the occurrence.

5. The Learned Additional Public Prosecutor for the State, Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the allegation in the FIR, it would manifest that the father of the informant was killed. It is next submitted that informant is son of the deceased as such, it does not appear probable that he would try to implicate innocent persons who



were not involved in the occurrence of killing of his father, on which the learned counsel appearing on behalf of the petitioner submits that what has been submitted by the learned Additional Public Prosecutor cannot be countenanced, but then from perusal of allegation as alleged in the FIR, it would manifest that the informant does not disclose on what basis the name of the accused persons transpired in the case, which is an aspect of the investigation, on which the learned Additional Public Prosecutor submits that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, at this stage, the learned counsel appearing on behalf of petitioner submits that petitioners will not abscond, rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial Court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand only) each with two sureties of the like amount each to the satisfaction of the learned trial Court, where the case is pending / successor Court, in connection with **Sultanganj P.S. Case No. 451 of 2024**, subject



to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that if the investigating officer of the case files an application before the learned trial Court bringing to its notice that petitioners despite giving assurance to this Court are not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. It is further made clear that if chargesheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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