

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11795 of 2025

Arising Out of PS. Case No.-194 Year-2024 Thana- TAJPUR District- Samastipur

Md. Naushad Alam @ Gulab S/O Md. Hazi Taiyab Resident of village - Dar-
gah Road, Ward No.- 24, Nagar Parishad, P.S- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73925 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- TAJPUR District- Samastipur

Md. Sonu Son of Md. Nasim village - Gaddopur Manpura , Police station -
Bangra , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 11795 of 2025)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
For the Informant : Mr. Bijay Bhushan Prasad, Advocate
Ms. Rani Shashi Bharti, Advocate
For the State : Mrs. Pushpa Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 73925 of 2024)
For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Informant : Mr. Bijay Bhushan Prasad, Advocate
Ms. Rani Shashi Bharti, Advocate
For the State : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 16-05-2025 Heard learned counsel for the petitioners, learned

counsel for the informant and learned Additional Public Prose-

cutor for the State.

2. The petitioners seek regular bail in connection with



Tajpur P.S. Case No. 194 of 2024, registered for the offences punishable under Sections 103(1) and 61(2) of BNS, 2023. They have no criminal antecedent.

3. The prosecution case is to the effect that the informant has given a written report stating that six persons in conspiracy had taken away his son namely Anurag Kumar Choudhary on the pretext of some work at TVS Agency. It was further alleged that the motorcycle of the son of the informant was parked outside the Agency and his mobile was kept on the counter and the father of the deceased was informed that his son was lying unconscious near petrol pump and, thereafter, he was taken to the private hospital and during the course of treatment he died.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case merely because of the fact that petitioners had taken away the son of the informant to TVS Agency and thereafter he was found dead. Learned counsel for the petitioner has pointed out that during the course of investigation, from the perusal of the case diary, it was seen in CCTV footage that the son of the informant was going alone and subsequent thereto he was found lying unconscious. Learned counsel for the petitioner has also pointed out



that barring the aforesaid allegation of the informant that the petitioners had taken away the victim there is nothing to connect the petitioners. It is next submitted by learned counsel for the petitioners that charge-sheet has been submitted under Section 108 of BNS and the petitioners are in custody since 09.08.2024.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has stated that during the course of investigation it is found that the deceased was found in the TVS showroom and the petitioner, Md. Sonu had made numerous calls on the phone of the deceased and from the tower location it was also clear that they were along with the deceased.

6. Considering the aforesaid facts and circumstances of the case and submission made by learned counsels for the respective parties and taking into account the fact that there is mere suspicion raised against the petitioners that they have killed the son of the informant and the charge-sheet has been submitted under Section 108 BNS and also that the petitioner is in custody since 09.08.2024, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of the court of learned Additional Chief Judicial Magistrate-I, Samastipur, Samastipur, in connection with Tajpur P.S. Case No. 194 of 2024, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case the prosecution is found the petitioners' involvement in similar nature of allegation after their release and 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.

(iv) And further condition that 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 cancella-
tion of bail bond of the petitioners. How-
ever, the acceptance of bail bonds in terms
of the above-mentioned order shall not be
delayed for purpose of the same or in the
name of verification.

(Sourendra Pandey, J)

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