

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9564 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

Amarjeet Kumar S/O Lal Mohan Sao R/O Village- Khajuri, P.O - Khajuri, P.S
- Konch, District - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 10642 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- SACHIVALAYA District- Patna

1. Rahul Kumar S/O Arun Sharma @ Arun Mistri R/O - Village- Hari Makhadumpur, P.S - Alipur, District - Gaya, Bihar
2. Sanjay Kumar S/O Late Rajnath Yadav R/O Village- Mardua, P.S- Tekari, Distt.- Gaya, Bihar.
3. Dilip Kumar S/O Satendra Yadav R/O Village- Mardua, P.S- Tekari, Distt.- Gaya, Bihar.
4. Kamlesh Kumar S/O Awadesh Yadav R/O Village- Paras Bigha, P.S- Konch, Distt.- Gaya, Bihar.
5. Ajay Kumar S/O Ramkripal Yadav R/O Village- Paras Bigha, P.S- Konch, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 9564 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Ashok Kumar, Advocate
Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 10642 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Ashok Kumar, Advocate
Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER



3 18-07-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are in judicial custody in connection with Sachivalaya P.S. Case No. 28 of 2024 for the offence punishable under Sections 302/34 of the Indian Penal Code lodged on 15.03.2024¹ by the informant, Rinki Devi.

3. As per the prosecution story, the informant alleged that her son was tied to the pole in the MLC quarter and beaten to death by the accused persons. Accordingly, the FIR.

4. Learned Senior Counsel for the petitioners submit that the main role has been attributed to the Guard of Shanti Company namely Mukesh Yadav with additional roles to these petitioners who were serving as labourers of the said company. It is his further submission that the allegation of having tied the deceased and beating is attributed to Mukesh Yadav and these petitioners were arrested when they were found to be moving in suspicious condition. They have already suffered by being in custody since 16.03.2024 and are ready to face the trial which they shall be attending diligently.

5. Learned APP opposes the prayer stating that on the allegation of theft, an innocent was brutally assaulted which led



to the death of Krishna Kumar.

6. Having heard the parties and taking into account the aforesaid facts, the main role is attributed to Mukesh Yadav, the allegation is that these petitioners were also serving as labourers and since the materials of construction company were repeatedly being stolen, the deceased was thrashed, they have remained in custody since long, having completed more than one year and an have undertaken to diligently appear in trial, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Patna, in connection with Sachivalaya P.S. Case No. 28 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every month till conclusion of the trial to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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