

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9870 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- TISIAUTA District- Vaishali

1. Bittu @ Kallu, (Male), S/O Kapal Singh, aged about 22 years, Resident of Village- Modah Chatur, Police Station- Hariochanpur, District- Vaishali
2. Nitin Kumar, (Male), S/O Sanjay Singh, aged about 28 years, Resident of Village- Modah Chatur, Police Station- Hariochanpur, District- Vaishali

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Tisiauta P.S. Case No. 75 of 2024 dated 15.07.2024 registered for the offences punishable under Sections 103(1) and 238 of the B.N.S., 2023.

3. As per the prosecution case, during the course of patrolling, police recovered a dead body kept in a Scorpio vehicle which was parked by the side of the road of 'Dhavaich Petrol Pump'. The police suspected that some unknown miscreant killed an unknown person and kept his dead body in



the said Scorpio vehicle.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the F.I.R. has been lodged against unknown and the petitioners are not named in the F.I.R. Their names have come in the present case only on the basis of disclosure made by local people and secret information given by the spy by saying that on the alleged date of occurrence, one Manish and his brother Prince and the driver (petitioner no. 1), Nitin Kumar (petitioner no. 2) and Jitesh Kumar @ Rancho organized a party of fish and liquor in the bamboo cluster in which the outsider brutally assaulted them and they took him for treatment but he died during his treatment. It is further submitted that the petitioners have no concern with the alleged offence. It has come during the investigation that there is dispute between the deceased and the co-accused Manish Kumar @ Lalu and his brother Prince Kumar @ Mirchai and the petitioners are the driver of those persons and only on that basis their names have come in the present case. No incriminating article has been recovered from their possession. Learned counsel for the petitioners refers paragraph nos. 29, 36 and 39 of the case in which the witnesses



have not stated anything against the petitioners. The petitioners suo-moto have surrendered before the learned court below on 04.01.2025 as stated in paragraph no. 4 of the present bail petition. The petitioner no. 1 has clean antecedent and the petitioner no. 2 has one criminal antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 04.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 75 of 2024 with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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