

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3497 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- DARIGAON District- Rohtas

Risi Kumar @ Rishi Kumar Son of Chandra Bhan Ram R/o - Kirkala, P.S -
Sonhan, District - Kaimur, Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 12740 of 2025

Arising Out of PS. Case No.-34 Year-2024 Thana- DARIGAON District- Rohtas

Brijesh Kumar @ Santu @ Brajesh Kumar S/O Ram Murat Ram R/o Village -
Atarwaliya, P.S- Mohaniya, Distt.- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :
(In CRIMINAL MISCELLANEOUS No. 3497 of 2025)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 12740 of 2025)
For the Petitioner/s : Mr. Deovind Kumar Singh
For the Opposite Party/s : Mr. Anant Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Since both the applications arise out of Darigaon P.S.

Case No. 34 of 2024, as such, they have been taken up together

and are being disposed of by this common order.

02. Heard learned counsels for the petitioners and

learned APPs for the State.

03. In the present case, the petitioners seek bail in



connection with Darigaon P.S. Case No. 34 of 2024 registered for the alleged offences under Sections 103(2), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

04. As per prosecution case, petitioners and other co-accused persons, under a conspiracy, murdered the husband of the informant.

05. Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. There is no tangible or intangible material against the petitioners to connect them with the offences as alleged. It is clear from the FIR that there is no eye witness to the occurrence and allegation against the petitioners is that they called out the deceased on mobile phone to Kudra. Learned counsels further submit that it has also come in the *fardbeyan* of the informant that other co-accused persons, against whom specific allegation has been levelled by the informant in her *fardbeyan*, might be involved in the murder of the husband of the informant. The petitioners have become victims of circumstances. The petitioners are in custody since 21.10.2024 and charge-sheet has been submitted. The petitioners are having antecedent of one case each.

06. Learned APPs for the State oppose the submission



made on behalf of the petitioners. Learned APPs submit that during investigation, it came up that the petitioner-Rishi Kumar accidentally opened fire and killed the husband of the informant.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material to connect the petitioners with the offences as alleged and further considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to 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 learned Chief Judicial Magistrate, Sasaram/court concerned in connection with Darigaon P.S. Case No. 34 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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