

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15411 of 2025**

Arising Out of PS. Case No.-1234 Year-2023 Thana- MADHEPURA District- Madhepura

Niraj Kumar Sah, Son of Budhan Sah, Resident of Village- Muradpur Chatra,
Ward No. 13, P.S.- Navahata, Distt.- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Senior Advocate Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Prasad, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-05-2025 Heard learned Senior counsel for the petitioner,

learned APP for the State and learned counsel for the informant.

2. This is the second attempt on behalf of the

petitioner for grant of bail in connection with Madhepura
(Bharrahi O.P.) P.S. Case No.1234 of 2023 registered for the
offence under sections 302 and 120-B of the Indian Penal Code
and under section 27 of the Arms Act.

3. In the F.I.R., the informant alleges that he

was working in a private firm at Hyderabad and on 18.12.2023,
he received information on his phone that his mother, father and
brother have been killed, accordingly, he reached his village on
20.12.2023 and saw the dead body of his father, mother and



brother and thereafter, postmortem of the dead bodies was done. The informant further alleges he inquired about the occurrence and based on suspicion implicated 24 persons alleging that they being relatives and on account of dispute relating to property have committed the murder of his family members. He further alleges that on 17.12.2023, he was threatened by Bablu Sah that his family would be killed along with him by the help of other F.I.R. named accused persons.

4. It has been submitted by learned Senior Counsel for the petitioner that petitioner is not the agnate of the informant rather he is a relative of agnate of the informant and resides more than 70 km. from the residence of the informant. It has also been submitted that the informant is not an eye witness to the alleged occurrence and he was at Hyderabad when the occurrence is alleged to have taken place. The informant does not disclose that as to who informed him about the occurrence, which casts doubt on the case of the prosecution.

5. It has further been submitted by learned Senior Counsel for the petitioner that during the course of investigation, the statement of Deepmala Kumari, was also recorded, who is *Bhabhi* of the informant and wife of the deceased brother, who stated before the police that she has seen



the occurrence and named eight accused persons along with unknown accused persons of having committed the occurrence but she did not take the name of this petitioner. If Deepmala was an eye witness to the occurrence then why she did not institute the instant FIR which further casts doubt on the case of the prosecution.

6. It has been argued that the F.I.R. came to be instituted on 20.12.2023 by the informant but then the informant does not even whisper the fact that his *Bhabhi* was an eye witness to the occurrence which also casts doubt on the case of the prosecution. Though in the FIR, it is alleged that the relative of the informant on account of dispute relating to property committed the occurrence but the petitioner is not related to the informant in any manner.

7. It has also been argued that the petitioner is a Government teacher working in Primary School, situated at Pokhar Kursheshwar Asthan, District- Darbhanga and on the alleged day of occurrence he was at his school and the place of occurrence is more than 70 km. from the school of the petitioner. Since the petitioner is not related with the informant in any manner, why he would have committed the occurrence when he has absolutely no interest in the property nor he would



have benefited in any manner by killing the deceased persons.

8. It has further been argued that during the course of investigation one Niranjan was apprehended and he in his confessional statement named 24 accused, who are named in the FIR including the petitioner, when Deepmala in her statement recorded before the police did not take the name of the petitioner and therefore, it appears that the entire allegation hinges around suspicion.

9. Learned Senior Counsel for the petitioner has drawn the attention of this Court to the order dated 23.04.2024 passed in Criminal Miscellaneous No.22407 of 2024, by which similarly situated co-accused namely, Ranjan Chaudhary @ Ranjan Kumar Chaudhary and Sarovar Prasad Yadav @ Yarovar Yadav have been granted anticipatory bail by a co-ordinate Bench of this Court.

10. Lastly, it has been argued that the petitioner has clean antecedent and he is in custody since 22.12.2023 without any fault.

11. Learned A.P.P along with learned counsel for the informant opposes the bail application of the petitioner,

12. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel



for the petitioner, I am inclined to grant bail to the petitioner.

13. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Madhepura/concerned Court below, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 1234 of 2023, subject to the condition that he will cooperate in the trial and will appear himself or through his lawyer on each and every date fixed in the trial.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

