

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16491 of 2025

Arising Out of PS. Case No.-32 Year-2018 Thana- BHITAHA District- West Champaran

1. Chandeshwar Singh, about 64 years, Male, Son of Late Lalji Singh.
2. Shatrudhan Patel @ Shatru Mardan Patel @ Hajari Patel, about 20 years, Male, Son of Sri Chandeshwar Singh.
Both residents of village- Bhuidharwa, P.S.- Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bhitaha P.S. Case No. 32 of 2018 instituted for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code, Sections 103, 61(2)/3 (5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS') and Sections 25(1-B)a, 26 and 27 of the Arms Act.

3. As per the prosecution case, all the accused persons including the petitioners have assaulted Binda Singh, who is the father-in-law of the informant due to which he died on the place of occurrence.

4. Learned counsel for the petitioners submits that



petitioners are innocent have committed no offence and have falsely been implicated in this case. Petitioners have got clean antecedent as stated in para 3 of the petition. He further submit that the petitioners have no role in the alleged occurrence and the offences levelled against the petitioners are not applicable.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-Ist, Bagaha, West Champaran, dated 17.02.2025, it appears that petitioners were not sent up by the police for trial but witnesses examined before the trial Court as PW-1, Viran Singh @ Viran Patel, PW-2 Lorik Singh and PW-3 Sushila Devi have stated the complicity of the petitioners. It also appears that on the basis of written report of the informant Sushila Devi, FIR has been registered under Sections 302, 120B/34 of the Indian Penal Code, Sections 103, 61(2)/3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26 and 27 of the Arms Act against five accused persons including the present petitioners. It is also stated in para-5 of the bail petition that after conclusion of the investigation, the Investigating Officer has submitted final form as not sent up regarding the case of the petitioners and accordingly, the learned Magistrate accept the said final form



but during trial the learned trial Court, Bagaha, West Champaran summons the accused under Section 319 of the Cr.P.C., so considering all these aspects of the matter and the fact of the case, let these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 32 of 2018, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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