

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25329 of 2025

Arising Out of PS. Case No.-536 Year-2015 Thana- NAUBATPUR District- Patna

1. Sanjay Kumar @ Sanjay Saw
2. Sandeep Kumar @ Ajay Sao
3. Ajit Saw @ Ajit Kumar
4. Arun Saw @ Akash Kumar
All sons of Rameshwar Saw.
5. Rameshwar Saw S/o Shivnandan Saw
All R/o Village- Karariya Dariyapur, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr.Nawnit Kumar Tiwary, learned counsel for the petitioners and Mr.Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Naubatpur P.S.Case No.536 of 2015, FIR dated 30.08.2015 registered for the offences punishable under Sections 147,148,149,324,302 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the petitioners is of killing the informant's father namely Deenath Ram by giving gunshot injury and knife injury and caused him dead.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that the informant is not the eye witness of the alleged occurrence even no one has seen the alleged occurrence and the police, after investigation, submitted final form in favour of the petitioners vide Final Form No.326/17 dated 20.10.2017.

5. Although the learned court below has taken cognizance against these petitioners in a mechanical manner on 06.04.2019 but the petitioners have not received any summons from the learned court below and the summons were issued by the learned court below vide order dated 23.10.2024 which was received by the petitioners on 18.11.2024.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, petitioners have clean antecedent, the police, after investigation, submitted final form in favour of the petitioners and the learned court below has



taken cognizance vide order dated 06.04.2019, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Naubatpur P.S. Case No.536 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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