

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28083 of 2024

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

1. Ram Narayan Sah Son of Late Hakkar Sah Resident of Village- Sakarpura, P.S.- Madhepura (Bharrahi O.P.) District- Madhepura
2. Abhishek Kumar Son of Rabindra Sah Resident of Village- Sakarpura, P.S.- Madhepura (Bharrahi O.P.) District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Advocate
Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 04-07-2025 Heard learned counsels for the parties.

2. A supplementary affidavit has been filed by the learned counsel for petitioners for bringing on record the surrender certificate of petitioner no.1.

3. Mr. Jharkhandi Upadhyay, learned APP for the State filed a counter affidavit in this case.

4. The petitioners are seeking for bail in connection with Madhepura (Bharrahi O.P.) P.S. Case No.1234 of 2023, registered for the offences under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

5. In the FIR, 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 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 FIR named accused persons.

6. At the very outset, learned Senior Counsel for the petitioners has submitted that though the petitioners are named in the FIR but the so called eye witness Deepmala has not assigned any role upon the petitioner. As per the deposition of the PW-1, Deepmala, the assailants are, namely, Amrendra, Niranjana, Sarovar, Vikas and Babloo. He has further submitted that though the informant is a relative of the deceased but he is a resident of Hyderabad and Deepmala is the eye witness.

7. Considering the materials available on record and the fact that the petitioners have not been named by the eye-witness, namely, Deepmala, as assailants of any of the deceased,



this application is allowed.

8. Let the petitioners, above named, 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 the learned A.D.J. II, Madhepura/concerned Court below, in connection with Madhepura (Bharrahi O.P.) P.S. Case No.1234 of 2023.

9. The petitioners will cooperate in the trial personally or through their counsel.

10. It is made clear that this Court has not passed a detailed order because it will affect the trial of the case of the prosecution.

(Sandeep Kumar, J)

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