

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25158 of 2025

Arising Out of PS. Case No.-333 Year-2024 Thana- HARSIDHI District- East Champaran

1. Laukesh Kumar S/o Late Jalai Sahni R/o vill - Ujjain Lohiyar Singha, ward no. 6, P.S.- Harsidhi, Distt.- East Champaran, Motihari
2. Shakuntla Devi W/o Vikrant Sahni R/o vill - Ujjain Lohiyar Singha, ward no. 6, P.S.- Harsidhi, Distt.- East Champaran, Motihari
3. Nisha Devi @ Muniya Devi W/o Laukesh Kumar R/o vill - Ujjain Lohiyar Singha, ward no. 6, P.S.- Harsidhi, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Ranjan, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP
For the Informant	:	Ms. Alka Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-07-2025 Heard Mr. Abhishek Ranjan, learned counsel for the petitioners, Ms. Alka Singh, learned counsel appearing on behalf of the informant as well as Mr. Parmanand Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 333 of 2024, F.I.R. dated 16.06.2024 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, these petitioners have murdered the son of the informant by brutally assaulting and poisoning him.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. It appears from the F.I.R that the informant is not the eye witness of the alleged occurrence and he has filed the present case merely on the basis of suspicion and from perusal of the F.I.R it is also clear that there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. Apart from that the allegation as alleged in the F.I.R is not supported by the medical evidence. He further submits that the date of occurrence as alleged is 14.06.2024 but the present F.I.R has been instituted on 16.06.2024 i.e., after delay of 2 days without giving any explanation of the said delay. He further submits that the office of Regional Forensic Laboratory, Muzaffarpur has informed this Court that the Laboratory has not received any articles with respect to the present case which clearly suggest that the prosecution have not sent the articles for the F.S.L. report as yet.

5. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and there is direct and specific allegation against the petitioners in the F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 the learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 333 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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