

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23707 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- SIKANDRA District- Jamui

Arun Saw @ Arun Kumar Son of Mahavir Saw R/o Village and P.O.-
Mirzaganj, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP
For the Informant : Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sikandra P.S. Case No. 343 of 2024 for the offence under sections 109, 61(2), 352 and 3(5) of the BNS and Section 27 of the Arms Act lodged on 07.11.2024 by the informant, Gariban Saw.

3. As per the prosecution story, the informant alleged that while he was at his home, allegation is that someone entered his house and asked about his son, upon answer in negative, he was abused and further, ordered to kill Tunni Saw. One person bearing Khaki shirt opened fire causing death of Tunni Kumar @ Bhagwan Sah. As they rushed outside, they saw Rishu, Deepak and unknown person wearing khaki shirt. The allegation is that this petitioner was keeping a vigil on the entire episode which led



to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that at the fag end of the entire episode, it had been alleged that he was keeping a vigil and no further role has been assigned which is mainly against his sons Rishu and Deepak beside unknown and further, he has no criminal antecedent.

5. Learned counsel for the informant, Mr. Arun Kumar opposes the prayer submitting that it is a case of '*supari*' killing by hired killer and the role of the petitioner cannot be overlooked.

6. Taking into account the submissions of the parties as also that the main role has been assigned to Rishu, Deepak and unknown (whose name will crop up in course of investigation), the petitioner has not been assigned any role save and except that he was alleged to be keeping a vigil, is a seventy years old person having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with



Sikandra P.S. Case No. 343 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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