

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26147 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- Hariharnath P.S. District- Saran

1. Naushad S/o Munni Miya R/o Village - Sawaitch, P.S. - Hariharnath, Distt.- Saran at Chapra
2. Harsh Singh @ Haresh Singh S/o Late Om Prakash Singh R/o Village - Lakri Bazar, P.S. - Hariharnath, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12382 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- Hariharnath P.S. District- Saran

1. Bittu Kumar S/O Vishwakarma Sharma Resident of Dhorigha, Police Station- Dariyapur, Dist- Saran, Chapra, State- Bihar.
2. Chottu Kumar S/O Vishwakarma Sharma Resident of Dhorigha, Police Station- Dariyapur, Dist- Saran, Chapra, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 26147 of 2025)
For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the State : Mr. Mukesh Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 12382 of 2025)
For the Petitioner/s : Mrs. Sweety Sinha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 18-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in a case registered for the
offences punishable under Sections 103(2) and 61(2) of B.N.S



3. As per the prosecution case, the informant has stated that nine named accused persons along with three unknown persons came to his house and had taken away his son namely, Dhiraj Kumar, in the name of the party and subsequently they all killed him giving multiple blows by a Knife.

4. Learned counsel for the petitioners submits that though the petitioners have been named but there is a general and omnibus allegation against all nine accused persons. It has further been submitted that during the course of the investigation, two persons were apprehended namely Suraj Singh and Ritik Kumar, who had disclosed the name of the petitioners; however, no specific role has been assigned to the petitioners. It has next been submitted that at the instance of those apprehended persons, a Motorcycle and the Knife that was used to kill the son of the informant were recovered; however, the petitioners had no concern whatsoever with the same. It has lastly been submitted that the petitioner, Naushad and petitioner Harsh Singh have clean antecedent and they have been in custody since 05.09.2024 while the petitioner Bittu Kumar has one criminal case pending against him and petitioner Chottu Kumar has clean antecedent and they have been in custody since



12.08.2024.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioners.

6. Considering the aforesaid submissions made by the parties and the facts and circumstances of the case, let the above named petitioners be released on bail on each of them furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Hariharnath P.S. Case No. 99 of 2024 subject to the following conditions :

a. One of the bailors of the petitioners shall be their close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

d. 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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