

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28804 of 2025

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

1. Shiv Narayan Sah S/O Late Raj Kumar Sah R/O Vill.- Sakalpura, P.S.- Madhepura, Bharahi, Dist.- Madhepura.
2. Vikash Sah @ Abhishek Anand @ Vikash Kumar Sah S/O Shiv Narayan Sah R/O Vill.- Sakalpura, P.S.- Madhepura, Bharahi, Dist.- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 1234 of 2023 registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioners, as per F.I.R., is to commit murder of family members of the informant along with other co-accused persons by causing fire-arm injury.

4. Learned counsel appearing on behalf of the



petitioners submitted that informant is not an eye witness of the alleged occurrence. It is submitted that petitioners were implicated in this case only on the basis of suspicion having land dispute with informant's side. It is further submitted that considering all such aspects in detail, similarly situated co-accused persons namely, Ranja Chaudhary @ Ranjan Kumar Chaudhary and Sarovar Prasad Yadav @ Sarovar Yadav were granted anticipatory bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 22407/2024 dated 23.04.2024, and, therefore, judicial parity demands that these petitioners deserve anticipatory bail, who are men of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions and by taking note of the fact as informant *prima-facie* not appears an eye witness of the occurrence, where name of these petitioners appears only on the basis of suspicion in the background of land dispute, coupled with the fact that similarly situated co-accused persons as mentioned above,



have already granted privilege of anticipatory bail, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 1234 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

That petitioner shall co-operate in investigation and also in the trial, failing which, the learned trial court itself shall be at liberty to cancel the bail bond of the petitioners.

(Chandra Shekhar Jha, J)

Rajeev/-

U		T	
---	--	---	--

