

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30312 of 2025

Arising Out of PS. Case No.-593 Year-2024 Thana- AMARPUR District- Banka

1. Deepak Kumar @ Deepak Das @ Dipak Das, Son of Ram Prasad Das @ Ram Das, Resident of village - Mainma, Police Station - Amarpur, District - Banka.
2. Sintu Kumar @ Sintu Das, Son of Gopal Das, Resident of village - Mainma, Police Station - Amarpur, District - Banka.
3. Satish Chandra Das @ Chhatish Das, Son of Late Buddhinath Das, Resident of village - Mainma, Police Station - Amarpur, District - Banka.
4. Shambhu Das, Son of Bhaggu Das @ Bhagwan Das, Resident of village - Mainma, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard Mr. Praveen Kumar, learned Advocate appearing on behalf of the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Amarpur P.S. Case No. 593 of 2024, registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Allegedly in the morning of 27.08.2024, one Balram Yadav came to the house of the informant and took



away her husband on his motor cycle. After some time, when the informant made a call on his mobile, she did not find any response. The informant in search of her husband went to village Mainma, where she found the dead body of her husband lying by the side of the road. The blood was oozing out from his body. It is further alleged that her husband had gone to village Mainma for realizing money from the petitioners and others and in the mean while, some altercation took place, and all of them with the help of others brutally assaulted and killed him.

4. Learned Advocate appearing on behalf of the petitioners submitted that admittedly the informant is not an eye witness to the alleged occurrence. The husband of the informant was taken away by one Balram Yadav on 27.08.2024, thereafter the inquest was prepared and the post-mortem was done, but, at no point of time, the informant has made any complaint or instituted FIR against any of the persons, but surprisingly, after the cremation of the dead body, she instituted the FIR on 29.08.2024. The entire allegation levelled in the FIR falls to the ground as during the course of investigation the independent witnesses, whose statements were recorded by the investigating officers have not supported the allegation. Moreover, only on account of the fact that the petitioners, in some point of



time, have taken loan from the husband of the informant, suspicion has been raised and their names have been implicated in this case. The petitioners are men of fair antecedent and they undertake before this Court that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the motive is writ large, as they have taken loan from the husband of the informant and there is every chances that the petitioners alongwith others have committed this crime.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with materials collected during the course of investigation, as also the fact that there is no eye witness to the alleged occurrence, and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No.



593 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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