

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33786 of 2025**

Arising Out of PS. Case No.-8 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Ashok Kumar S/o Late Khelawan Sah R/o Vill- Bangra, Niramat, P.S.-  
Sahebganj, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 44343 of 2025**

Arising Out of PS. Case No.-8 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

Kishan Kumar S/o- Motilal Sah Village- Bangra Nijamat PS- Sahebganj  
District-Muzaffarpur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 33786 of 2025)

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.  
Mrs. Vaishnavi Singh, Adv.  
Mr. Ritwik Thakur, Adv.  
Ms. Kajal Kumari, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 44343 of 2025)

For the Petitioner/s : Ms. Preety Kunwar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      03-09-2025                      Since both the petitions arise out of Sahebganj P.S.  
  
Case No. 08 of 2025, as such, they have been taken up together  
  
and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and  
learned APP for the State.

3. In the present case, the petitioners seek bail in  
connection with Sahebganj P.S. Case No. 08 of 2025 registered



on 05.01.2025 for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 103(1) and 3(5) of the BNS.

4. As per prosecution case, petitioners and co-accused persons called out the son of the informant and his friend and took them away to celebrate birthday party of petitioner Kishan Kumar and later on son of the informant and his friend Kundan Kumar were found in unconscious state. The son of the informant died during his treatment. The informant showed her suspicion that they were assaulted by sword and spear by the petitioners and other co-accused persons causing death of the son of the informant.

5. Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. From the FIR, it is apparent that there is no specific allegation against any of the accused persons. True fact of the case is that the son of the informant and his friend Kundan Kumar met with an accident while driving their bike and the informant falsely implicated the petitioners and other co-accused persons. This fact is also clear from the statement of the injured Kundan Kumar who did not name any of the petitioners for being involved in the occurrence and rather stated that 2-3 persons



came and assaulted them and thereafter he became unconscious. There was no reason for the petitioners and other co-accused persons to assault and kill the son of the informant. Post-mortem report also shows death was caused due to head injury and complications as a result of blunt force trauma on the head. There is no cogent material against the petitioners to show their involvement in committing murder of the son of the informant. Petitioners are in custody since 06.01.2025 and charge-sheet has been submitted. Petitioners are having clean antecedent.

6. Learned APP appearing on behalf of State opposes the submission made on behalf of the petitioners. Learned APP submits that witnesses have stated about petitioners being involved in assault of the son of the informant and his friend. However, learned APP concedes that in paragraph no. 48 of the case diary, statement of the victim Kundan Kumar has been recorded and he has stated that after celebration of birthday party, left the place and on Bangra Ghat Bridge, 2-3 persons came and assaulted them and he became unconscious.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioners and further considering the statement of victim absolving the petitioners and



also considering the period of custody of the petitioners along with their clean antecedent and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, West Muzaffarpur /concerned court in connection with Sahebganj P.S. Case No. 08 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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