

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35037 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- DUMRA District- Sitamarhi

1. Ram Padarath Kumar S/o Naresh Rai R/o vill - Mirchaiya, P.s. - Dumra, Distt.- Sitamarhi
2. Gauri Shankar Patel @ Gauri Shankar S/o Bhavichan Rai R/o vill - Mirchaiya, P.s. - Dumra, Distt.- Sitamarhi
3. Birodhi Rai S/o Suresh Rai R/o vill - Mirchaiya, P.s. - Dumra, Distt.- Sitamarhi
4. Bhola Rai S/o Bijli Rai R/o vill - Rasalpur, P.S.- Dumra, Distt.- Sitamarhi
5. Lalit Kumar S/o Chotelal Rai @ Chhote Ray R/o vill - Mirchaiya, P.s. - Dumra, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-07-2025 Heard Mr. Kumar Rajdeep, learned counsel for the

petitioners and Dr. Mrityunjaya Kr. Gautam , learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dumra P.S. Case No. 271 of 2024, F.I.R. dated 19.06.2024 for the offences punishable under Sections 109, 110, 114, 115, 182, 194, 195, 201, 202, 203, 111, 120B and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have participated in the



cremation of Abhilasha Kumari (deceased) who was murdered by Raj Kumar Rai and they have concealed the facts about the aforesaid murder from the police.

4. Learned counsel for the petitioners submits that petitioner nos. 3, 4 & 5 have clean antecedent and petitioner nos. 1 and 2 carries one criminal antecedent other than the present one but they are on bail in the pending matter and they have falsely been implicated in the present case. As per the allegation, the petitioners and other accused persons concealed the facts in connection with Dumra P.S. Case No. 372 of 2023 due to which the dead body of the deceased in Dumra P.S. Case No. 372 of 2023 was not recovered by the police and the petitioners and other accused persons have narrated the wrong story before the police. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. Apart from that it has come during investigation that the petitioners and 27 other accused persons have participated in the cremation of the dead body of the deceased in Dumra P.S. Case No. 372 of 2023 and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.



5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that nothing has come during investigation which suggest the involvement of the petitioners in the present occurrence as well as Dumra P.S. Case No. 372 of 2023, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 271 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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