

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35716 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Pankaj Kumar S/o Sri Ramvarat Mahto Village- Kahuara, P.S.- Nardiganj,
District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 36577 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Prabhat Kumar @ Prabhat Son of Krishna Prasad @ Krishna Mahto R/o
Village- Bareth, P.S.- Katrisarai, District- Nalanda

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35716 of 2025)

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 36577 of 2025)

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 08-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seeks bail in
connection with Mufassil P.S. Case No. 84 of 2025, registered
for the offences under Sections 103(2) of the Bharatiya Nyaya
Sanhita, 2023.



3. As per the prosecution case, petitioners and other accused persons came to the house of the informant and took away her son Mritunjay Kumar and one Pravesh Kumar to the north of the village at a place called Hardiya Asthan. It is further alleged that all these persons along with other co-accused persons assaulted the son of the informant and Pravesh Kumar with lathi and danda, when the informant and her daughter tried to save they were also assaulted and due to the assault by the petitioners and other co-accused persons, the son of the informant died.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. Prior to the lodging of the present case one Ravi Ranjan Kumar lodged Nawada Muffasil P.S. Case No. 83 of 2025 dated 27.02.2025 for theft in his house and the deceased son of the informant and his friends were apprehended and interrogated and stolen articles were recovered and the police was informed. The deceased and his friend Pravesh Kumar admitted that they had committed theft in several houses and also in the house of Ravi Ranjan Kumar. The prosecution story is not believable that the son of the informant as well as Pravesh Kumar were taken out from the house of the



informant at the same time as their houses are situated at two different places in the village. It goes on to show that both of them were apprehended together and they were interrogated by the villagers and a number of stolen articles were recovered and they were handed over to the police. Learned counsel further submits that no motive or reason has been given for taking out the son of the informant by the petitioners and other co-accused persons and this shows that son of the informant and his associate were apprehended while committing theft and perhaps assaulted by the villagers. The associate of the deceased Pravesh Kumar admitted that he was caught by the villagers while committing theft and the deceased fled away but was subsequently caught. After the police came, it seized a large number of stolen articles which were recovered from the possession of the son of the informant and his associate and as they were found to be in injured condition and were taken to the hospital. Nowhere, it has been mentioned by the police that when they reached at village Bhagwanpur they found informant or any other person. It appears that informant lodged this case subsequently, after coming to know about death of her son. The informant even improvised her statement before the police and further made a number of persons accused in the present case



other than the persons she mentioned in the FIR. He further submits that petitioners are having clean antecedent and they are in custody since 28.02.2025. The charge-sheet has been submitted. The other co-accused persons Baby Devi, Sarita Devi and Vibha Devi have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Order dated 15.09.2025 passed in Cr. Misc. No. 59981 of 2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that no specific allegation against the petitioners or other co-accused persons that they brutally assaulted the son of the informant and one Pravesh Kumar and son of the informant succumbed to death .

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the the doubtful nature of the allegation against the petitioners and further considering the custody period and submission of charge-sheet, the petitioners 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 A.C.J.M- I, Nawada, in connection with Mufassil P.S. Case No. 84 of 2025, subject to the condition laid



down under Section 480(3) of the BNSS 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, if so required by the learned trial court.

(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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